

210

MIED ProSe 14 (Rev 5/16) Complaint for Violation of Civil Rights (Prisoner Complaint)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

William David Hicks Jr.

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

v. GOVERNOR GRETCHEN WHITMER
HEIDI WASHINGTON, WARDEN CHEEKS
ADW CARTER, ADW McDONALD,
HUM NIXON, HRM. IN LANSING,
PA COURTIER, NP MASSEY, NURSE
DONNA SWORD, NURSE COPLEY, Patricia Lamb
MSP LAPEER, S. Smoyer, RN, et. al.
RICHARD D. RUSSEL

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case: 2:21-cv-11563

Judge: Hood, Denise Page

MJ: Patti, Anthony P.

Filed: 06-17-2021 At 01:00 PM

PRIS WILLIAM HICKS V GRETCHEN WHITMER ET AL (SS)

Jury Trial: ☐ Yes ☐ No
(check one)

**Complaint for Violation of Civil Rights
(Prisoner Complaint)**

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

POOR QUALITY ORIGINAL

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name William D. Hicks Jr.
 All other names by which you have been known:
William Hicks
Billy Hicks, Bill Hicks
 ID Number 521313
 Current Institution Thumb Correctional Facility
 Address 3225 John Conley Dr.
Lapeer, MI 48446

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name GRETCHEN WHITMER
 Job or Title Governor of Michigan
 (if known)
 Shield Number _____
 Employer _____
 Address _____

☒ Individual capacity

☒ Official capacity

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Defendant No. 2

Name Heidi Washington
 Job or Title (if known) Director of Michigan Dept. of Corrections
 Shield Number _____
 Employer _____
 Address _____

☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name (Unknown) CHEEKS
 Job or Title (if known) Warden at Thumb Correctional Facility
 Shield Number _____
 Employer Thumb Correctional Facility
 Address 3225 John Conley Dr
Lapeer, MI 48446
☒ Individual capacity ☒ Official capacity

Defendant No. 4

Name (Unknown) CARTER
 Job or Title (if known) Assistant Deputy Warden
 Shield Number _____
 Employer Thumb Correctional Facility
 Address 3225 John Conley Dr.
Lapeer, MI 48446
☒ Individual capacity ☒ Official capacity

+ 7 or More

Defendant No.5

Name MCDONALD

Job or Title A.D.W.

(if Known)

Shield Number _____

Employer 3225 John Conley Dr.

Address Lapeer, MI 48446
T.C.F.

☒ Individual capacity ☒ Official capacity

Defendant No.6

Name JANET NIXON

Job or Title H.U.M.

(if Known)

Shield Number _____

Employer Thumb Correctional Facility

Address 3225 John Conley Dr
Lapeer MI 48446

☒ Individual capacity ☒ Official capacity

Defenda No 7

Name COURTIER

Job or Title P.A.

(if known)

Sheild Number _____

Employer Thumb Correctional Facility

Address 3225 John Conley Dr
Lapeer MI 48446

☒ Individual capacity ☒ Official capacity

Defendant No.8

Name MASSEY

Job or Title N.P.

(if Known)

Shield Number _____

Employer Thumb Correctional Facility

Address 3225 John Conley Dr

Lapeer MI 48446

☒ Individual capacity ☒ Official capacity

Defendant No.9

Name COPELEY-KRUNSKO(?)

Job or Title _____

(if Known)

Shield Number _____

Employer Thumb Correctional Facility

Address 3225 John Conley Dr.

Lapeer, MI 48446

☒ Individual capacity ☒ Official capacity

Defenda No.10

Name DONNA SWORD

Job or Title NURSE

(if known)

Sheild Number _____

Employer T.C.F.

Address 3225 John Conley Dr

Lapeer, MI 48446

☒ Individual capacity ☒ Official capacity

Defendant No.11

Name PATRICIA LAMB

Job or Title R.N. BSN

(if Known)

Shield Number _____

Employer MDOC

Address _____

☒ Individual capacity ☒ Official capacity

Defendant No.12

Name J. SMOYER

Job or Title R.N.

(if Known)

Shield Number _____

Employer MDOC BUREAU OF Healthcare Services

Address _____

☒ Individual capacity ☒ Official capacity

Defenda No.13

Name RICHARD D. RUSSEL

Job or Title Manager, Grievance office of
(if known) LEGAL AFFAIRS

Sheild Number _____

Employer MDOC

Address _____

☒ Individual capacity ☒ Official capacity

Defendant No.14

Name Michigan State Police Lapeer

Job or Title _____

(if Known)

Shield Number _____

Employer _____

Address _____

☒ Individual capacity

☒ Official capacity

Defendant No.15

Name _____

Job or Title _____

(if Known)

Shield Number _____

Employer _____

Address _____

____ Individual capacity

____ Official capacity

Defenda No.16

Name _____

Job or Title _____

(if known)

Sheild Number _____

Employer _____

Address _____

____ Individual capacity

____ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

1st Amendment For silencing my claims. (I called MSP twice, nobody came)
 Possible corruption of State facilities I can prove they never came to gather my EVIDENCE.
 5th Amendment Right to Equal Justice under the law.
 8th Amendment Right to be free of Cruel and Unusual punishment.
 (this falls on BOTH MEDICAL and MENTAL HEALTH because of the Executive Orders.)
 8th Amendment Right to Humane "Living Conditions" for prisoners
 Falling on Ventilation OR Heat.
 THIS IS "TORTURE" because staff don't test daily!
 14th Amendment Right to Due Process - Law Library Closed, delaying appeal.
 ABUSE OF POWER
 FEDERAL HIPPA PRIVACY - Misconduct written by Nurse Donna Seward
 is a "Public" document and medical information was disclosed
 in the misconduct. And STILL NO DOCTORS APPOINTMENT, ABUSE OF POWER!

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

NA

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Please See Attached...

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Please See Attached...

① Defendent Gretchen Whitmer

- A. Issued Unconstitutional Executive Orders and Extensions of the State of Emergency that have prevented me/held me back, stopping my Appeal and Violating Due Process because the Law Library is Closed/restricted, and the Prison is locked down. The Executive Orders have prevented me from meeting my Michigan Supreme Court deadline. I was only 29 days into my 56 Day Window to file with the Supreme Court after the Court of Appeals rejection when the orders were issued by Defendent Whitmer. I even sent a letter from T.C.F. Law LIBRARY Staff with MY APPEAL to the Michigan Supreme Court And I WAS STILL DENIED for "BEING LATE." This is UNCONSTITUTIONAL and LAWLESS, and IS VIOLATING MY 14TH Amendment. I tried to WITHDRAW this plea BEFORE SENTENCING and was Denied. I wanted A Trial because my lawyer lied to me (Ref transcripts). The Law Library remains Closed or Restricted.
- B. Defendent Whitmers Executive Orders have Continued to prevent me from healthcare because Medicals response to healthcare Kites were "Due to the State of Emergency we are only Seeking Urgent and Emergent patients at this time." I had to write grievances because of this and because of those grievances on healthcare I continue to be denied medical treatment. State officials have taken these grievances personally.
- C. Defendent Whitmers Executive Orders have also prevented me from receiving Mental Health medication or help during this pandemic. Mental health Staff were not seeing Prisoners to to COVID and the Executive Orders, and said they dont give meds to the "Adult side" at T.C.F. so I asked to "RIDE OUT" to a Prison that does. I was told I am unable to transfer due to the Executive orders and Pandemic. I was taking and perscribed Mental health medication when I was Sentenced to Prison (Ref. PSI Report) but I was taken off ALL meds on day #1 of prison - Cold turkey, unwillingly.

① **D.** Defendant Whitmer is Guilty of WILLFUL NEGLECT for not requiring Staff to take instant Covid-19 tests before Coming into the facility each shift. Men have died at this facility and all over the M.D.O.C. and it weighs heavily on my mental health that reasonable measures are not being taken to protect the prison population. Staff testing before each shift is a REASONABLE MEASURE that could be taken to PROTECT the prison population since MDOC staff keep bringing in Covid-19 and prisoners keep being locked down in an environment we can't social distance in. This forces me to catch every single variant that is brought here, and constitutes TORTURE, living in a constant state of anxiety and fear. The Warden and Director have said they can NOT force staff to test daily before work. While that may be true (maybe NOT), there is NO INCENTIVE in place for staff to test daily either.

I am being Exposed to several variants and I have NO way to social distance to protect myself as a prisoner.

This is threatening my life DAILY, and with EACH SHIFT it is a threat on my life because once a virus is inside it spreads uncontrollably throughout the population.

Not only does staff testing weekly instead of daily threaten the lives of prisoners, but it also threatens the public and places the public at unnecessary risk because of the officers' contact with an extremely large number of prisoners and with the prison population each shift, and then going back into the community.

Defendant Whitmer's Executive Orders have made it so that the M.D.O.C. follows C.D.C. guidance and recommendations, which do not recommend staff test daily. Because of this there have been many deaths and outbreaks. Someone has to take responsibility. The C.D.C. is a federal organization, and the State of Michigan is responsible for my health and humane treatment, not the C.D.C.

- ② Defendant Heidi Washington, and
- ③ Defendant Warden Cheeks

Are guilty of Willful Neglect for not requiring Staff to take instant Covid-19 tests before coming into the facility each shift.

This is also reckless endangerment because we have no way to effectively social distance within the population, or in a prison setting. Instant testing is a reasonable measure that could be used to protect the prison population and the public.

The request for daily testing was denied by the Director and Warden at the Wardens Forum, because C.D.C. guidance doesn't recommend staff test daily.

While C.D.C. Guidance is helpful, it is only Guidance. It is a basic foundation for safety that is given ~~as~~ a Generalized Recommendation. ~~as~~ A Foundation for safety to be improved upon. After all, the State of Michigan is responsible for Michigan Prisoners, Not the C.D.C.

As a Population we have brought testing requests to the Wardens Forum and have been denied. (Attached)

As an individual I have brought ventilation issues through the grievance process and been denied. (Attached)

There are NO staff being PROACTIVE or REACTIVE to the many issues stemming from the Pandemic (Including Deaths) or taking any steps to protect the population, even when we bring issues forward. This negligence is putting my life in jeopardy, and locking me down in inhumane living conditions. All while I have been "waived up" to a Level 2 Prison due to lack of bedspace for over a year now, when I am a level 1 prisoner.

④ Assistant Deputy Warden Carter

For WILLFUL NEGLECT and Dereliction of Duty for not helping me get medical attention when I personally asked her for help because I was having medical issues. This was Early in the Pandemic at a time we were locked inside the unit 24-7 and Medical wasn't even responding to medical Kites due to the Pandemic. I wrote a grievance about this, and it was just Denied, and I still never received medical treatment. This really weighed on my mental health too because A.D.W. Carter became frustrated and even Angry when I persisted about my medical concerns telling me to "Call a lawyer then! What do you want me to do? I'm Not Medical." (Grievance Record.) "Write a grievance." and "Call a lawyer." if you don't like prison.

A.D.W. CARTER is also guilty of RACISM and Intimidation by stating "THIS IS MY WORLD! GO LOCK DOWN!" when I saw her on her unit rounds in March, 2021 and I asked her why CORD UNIT continues to run out of toilet paper. I said, "Why are you yelling at me? I just need some toilet paper and I have been holding it all day." A.D.W. said Angerly "Well, we're not getting any toilet paper until tomorrow. And I haven't even started yelling at you yet! Now Go Lock Down!" and making me lock down.

This bullish style of A.D.W. CARTER telling me to write a grievance and call a lawyer is also Corrupt because I wrote a grievance on medical like Carter suggested and CARTER simply Rejected my grievance without helping me or investigating. In fact, A.D.W. Carter has rejected every grievance I have ever.

④

Submitted without interviewing me or seeking a resolution, and she has a history of denying everyone's grievances on this Compound. A.D.W. Carter is the worst person to be in charge of people and have authority because she abuses her power as much as she can, or as much as she can get away with.

⑤ A.D.W. McDonald

For WILLFUL NEGLECT, DERELICTION OF Duty, and CORRUPTION for not helping me get medical attention when I asked him for help during a time we were locked in CORD A Unit 24-7 and Medical wasn't responding to medical Kites due to the Pandemic and the Emergency Orders. During this Lockdown I would turn to UPPER Level staff for help when I could catch them doing unit rounds. I never received any medical treatment and I was never prescribed anything to help. It weighs heavily on my Mental Health that A.D.W. McDonald has NO Concern for my Safety or Health during this Lockdown, and would NOT help me even after I told him Medical isn't seeing me.

A.D.W. McDonald also Abused his power several months later when he found me Guilty on my Appeal for the Misconduct Nurse DONNA SWORD wrote me for asking "WHY Can't I see a Doctor" too loudly. He found me Guilty and gave me 10 Sanction Days despite having an Officers Statement saying I was NOT insolent or LOUD. I told A.D.W. McDonald Once Again that I am seeking Medical treatment and I don't know what I gotta do to have a doctors Appointment.

A.D.W. McDonald used Administrative Intimidation and the Misconduct Process to Intimidate me from seeking Medical attention any further. He told me that I need to "Drop the Grievances with Medical or you could find yourself on a tour bouncing around from Prison to Prison to see where you like Medical better." He also told me that

⑤

"Your putting the Nurses license on the line, and She is a good Nurse. It would be wise of you to drop the Grievance." This Can be proven with the Misconduct Report, Misconduct Appeal, and the Grievance Record. I was given 10 Sanction Days for asking to see a doctor too loudly (9-1-20) and I still haven't seen a doctor. There is absolutely no Accountability and staff will cover up for each other. This is Corruption.

⑥ TCF HEALTH UNIT MANAGER JANET NIXON, CORRUPTION

Cruel and unusual Punishment, Willful Neglect, and Reckless Endangerment for being involved in the Grievance Process and Never Scheduled a doctors appointment, or attempt to resolve my grievances, ^{despite reviewing my grievances.} CORRUPTION, or following up with me to make sure i'm okay.

⑦ PA COURTIER, CORRUPTION, DERELICTION OF DUTY

Cruel and unusual Punishment, Willful Neglect, and Reckless Endangerment for being involved in the grievance process and Neglecting to help me or do testing to see whats wrong with me, despite my claims, during a Covid Pandemic Outbreak about my neck and throat.

⑧ NP MASSEY, CORRUPTION, DERELICTION OF DUTY

Cruel and Unusual Punishment, Willful Neglect, and Reckless Endangerment for being involved in the grievance Process during Covid and Neglecting to help me or do testing to see whats wrong with my neck and throat

⑨ NURSE COPELEY CORRUPTION DERELICTION OF DUTY

Cruel and Unusual Punishment, Willful Neglect, and Reckless Endangerment for Neglecting to help me and always ~~repeating~~ ~~repeating~~ ~~repeating~~ telling me that i'm Crazy and ~~Dee~~ Sugar goes a lot farther than Spice, I Shouldnt have written grievances, then telling me to See mental health about my neck, theres nothing there. This is dereliction of her duty as a Nurse to not help me.

10

DONNA SWORD, CORRUPTION, DERELICTION OF DUTY

Cruel and Unusual Punishment, willful neglect and Abuse of Power for writing me a misconduct for asking to see a doctor too loud and Never Scheduling me a doctors appointment,

Also for Violating my Federal Hippa Privacy by ~~including~~ ^{exposing} Private Medical information in the misconduct report, exposing it because the Misconduct is a Public Document.

⑪ Patricia Lamb - Corruption, DERELICTION OF DUTY
WILLFUL NEGLECT

For Denying my grievances at Step 3 and
never Scheduling a doctors appointment for
me, or investigating my claims of Cruel and
unusual Punishment within the Department.

⑫ S. Smoyer - Corruption, DERELICTION OF DUTY
WILLFUL NEGLECT

For Denying my grievances at Step 3 and
never Scheduling a doctors appointment for me,
or investigating my claims of Cruel and
unusual Punishment within the Department.

⑬ Richard D. Russel - Corruption, DERELICTION OF DUTY
WILLFUL NEGLECT

For Denying my grievances at Step 3 and
never Scheduling a doctors appointment for me
or investigating my claims of Cruel and
unusual Punishment within the Department.

⑭ Michigan State Police - Lapeer, - Attached.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

N/A

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

February, 2020 - Present
Thomb Correctional Facility
3225 John Conley Dr.
Lapeer, MI 48446

- C. What date and approximate time did the events giving rise to your claim(s) occur?

MARCH 14th, 2020 - Present

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- D. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

Please See Attached...

You have received a *jp*ay letter, the fastest way to get mail

From : WILLIAM HICKS, ID: 521313
To : Kevin Heemstra, CustomerID: 24012101
Date : 4/17/2021 8:44:18 PM EST, Letter ID: 1133240879
Location : TCF
Housing : CA089TOPA

My name is William Hicks Jr. #521313 and I am a Michigan prisoner.
I am trying to gain legal help for the following issues. I have PROOF of everything here.
Please help me find a lawyer, or forward this to the ACLU and the Federal Courts to the Prosecutor.

CONSTITUTIONAL VIOLATIONS!

5th Amendment Right to EQUAL JUSTICE.

8th Amendment Right to be free from CRUEL AND UNUSUAL PUNISHMENT.

14th Amendment Right to DUE PROCESS.

I NEED to file MISDEMEANOR CHARGES for WILLFUL NEGLECT and RECKLESS ENDANGERMENT on Governor Whitmer, MDOC Director Heidi Washington, and Warden Cheeks for not requiring staff to instant test for Covid-19 before each shift while coming into the prison. They only test weekly. This has continually exposed the prison and it puts our lives and health at risk with EACH SHIFT that works because of simple negligence. We have no way to social distance effectively in a prison setting. WE NEED THIS PROTECTION, WE ARE EXTREMELY VULNERABLE!

This request has been brought to the Wardens forum where it was denied(attached). MDOC said CDC Guidance doesn't recommend staff test daily. The Governor, the Director of MDOC, and the Warden are responsible for my health and humane treatment! CDC isn't responsible for my humane treatment! Especially with "Lack of Bedspace" crowding inside and no ventilation.

This is proof of BOTH misdemeanors WILLFUL NEGLECT AND RECKLESS ENDANGERMENT.

There is also DISCRIMINATION going on because only some prisoners have been given KN95 masks BY MEDICAL, while the population was given 1 ply cloth masks. I can prove this also.

I called MSP Lapeer to file a report on this on Thursday, March 25th. I still have not been interviewed. This is corruption by state facilities, and it's my RIGHT as a citizen to Equal Justice. THIS IS A DEMAND FOR EQUAL JUSTICE UNDER THE LAW THAT I AM ENTITLED TO AS A MICHIGAN CITIZEN.

My arresting officer has been publicly petitioning for my release to a drug program since BEFORE Covid-19 (Officer Heckman's letter attached). He even got me an acceptance letter to Exodus Place, and I have funds for GPS teather if necessary. But because of Covid-19 I have been unable to get any help. I am non violent and I have never physically hurt anyone. I had an opiate addiction, and this crime was for \$60. Before this crime I had a serious closed head injury and was in a coma(Ref. Transcripts). I was injured and not in my right mind frame and I believe I am INNOCENT. I was also intoxicated during this crime, and I never had a weapon or assaulted anyone. I have been incarcerated since May 2019, the majority of my sentence in Covid-19 isolation. I haven't seen a familiar face in almost 18 months due to Covid and my location. This is a perfect case for criminal justice reform. And a case that may shine light on "good officers".

These powers were unconstitutional. The continued extensions of the State Of Emergency, and the Prison Lockdowns have also prevented me from seeing a doctor while in prison, (violating my right). Medical staff have made it clear that due to Covid-19 and the Extensions of the State of Emergency by the Governor, they don't have to see me unless it's life threatening. So who is responsible for me then? The Governor? Or Medical? I'm all messed up from Covid, and I have a long paper trail seeking help in here and being denied (3 grievances in May 20' and over 60 medical kites, still no doctor). I even have a misconduct for asking to see a doctor too loudly(insolence), where I was locked down for 10 days, 9-01-20. I STILL HAVE NOT SEEN A DOCTOR (misconduct report/my medical file is proof). This is willful neglect, a misdemeanor charge on HUM Nixon, and many other medical staff including the regional medical director for denying my grievances and for not following up with my health care needs. Neglecting to see me with a doctor! I was told by Nurse Copley that sugar goes further than spice and I shouldn't have written grievances.

I have refused the vaccine because I have been messed up from Covid-19 for over a year now documented in my grievances and don't know if it's safe to take because I believe I have had Covid/variants 3 times now. I have been seeking help for over a year now for underlying issues that need to be addressed before I take a shot.

I am also being forced to Sue Michigan Governor Whitmer for the Unconstitutional Executive Powers she issued in March 2020, closing the law library, stopping my appeal. The law library /access to the "Electronic Law Library" is still unavailable due to Covid-19, as we have been locked down for a year.

The executive orders have prevented me from meeting my Michigan Supreme Court appeal deadline by closing the law library, (violating my right). I tried to withdraw this plea before sentencing and was denied. I wanted a trial

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because my lawyer lied to me(Ref transcripts). I am a maintenance engineer and I was making \$34.50/hr and I was still sent to prison. I have a prior criminal record but I have come a long way since my last contact with the law. I feel I am innocent because of my closed head injury. Its clear I was incompetent at the time of this crime.

The Michigan Supreme Court denied my appeal for not meeting the 56 day deadline. I was only 29 days into the 56 days when the Emergency Powers were issued by Whitmer, closing the Law Library and locking the prison down. This has denied me access to the courts, which violates my constitutional rights.

Even though I had a note from the law library saying it was closed due to the pandemic, and mailed that to the Michigan Supreme Court I was still denied. The Law Library remains closed, and the pandemic keeps us in quarantine, still. Enclosed is a brief I came up with through writing kites to the law library, without the "ELL" and the ability to shepardize cases.

This has become a federal issue and you can reference Federal orders of compassionate release due to Covid-19,

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WILLIAM HICKS 521313 TCF Lock:CA089TOPA ID:1133240879 [P 2/2]

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Date : 4/17/2021 8:44:19 PM EST, Letter ID: 1133240892
Location : TCF
Housing : CA089TOPA

The Executive Orders have also prevented me from mental health medication or help, (violating my 8th amendment right) and I was taken off psyc meds cold turkey on day 1 of prison(Ref PSI report). We are being isolated in extreme ways due to the pandemic, compounding these issues. I went to 8 months of inpatient drug treatment while on bond for this crime, and completed 408 hours of community service.

Isolating a recovered addict is the worst. I have even tried turning to mental health about not being able to see a doctor, unsuccessfully. I was told "I'm going to let medical handle medical issues."
Essentially I have nowhere to turn.

I also need to sue the MDOC for their actions during this pandemic, and for their actions after the state of emergency has been lifted. They have used the medical budget and the pandemic Executive Orders as an excuse not to see me, and have caused a great deal of harm to me and many others. I have a paper trail showing I still haven't seen a doctor. There is no accountability in here for anyone, and I see no results from the grievance process other than retaliation and intimidation. And because many staff members have made serious mistakes, there is corruption and covering up.

I CAN PROVE
WILLFUL NEGLECT (MISDEMEANOR) and
RECKLESS ENDANGERMENT (MISDEMEANORS) on the following names.

Governor Gretchen Whitmer, Director Heidi Washington, Warden Cheeks, ADW Carter, ADW McDonald, HUM Nixon, HRM in Lansing, PA Courtier, NP Massey, Nurse Donna Sword, Nurse Copley, and more. This is not the extent of all of the corruption going on or names that could be added to this list because of Covid-19. The CDC is NOT responsible for me! These people ARE!

Discrimination (only some prisoners are provided KN95 masks)

"Deliberate indifference to my health care needs" for simply denying my grievances and kites requesting a doctor, and never sending a doctor my way, despite my persistent symptoms during a pandemic!

Inhumane treatment and living conditions for prisoners ^POSSIBLE CLASS ACTION because all of the units ventilation are like this^

"NO VENTILATION" Intake/Exhaust

When outside temperatures are below 60° the exhaust is off. You are forced to choose between fresh air or heat in cells. If you open your window, you have to wear a hat and gloves. If you leave it closed, you get no fresh air and can't meet air exchange rate laws.) There is no air exchange rate in the cells when the vent is off, or its below 60°F. Covid already affects oxygen levels in one's body. This falls under INHUMANE LIVING CONDITIONS FOR PRISONERS on either HEAT or VENTILATION.

"Malpractice"

"Abuse of power" I have done 10 days locked in my cell for asking to see a doctor too loudly on 9-1-20, and I still have not seen a doctor. I can prove this with the misconduct report, and health record. I had to ask loudly because I have written over 60 medical requests and NO DOCTOR

"A clear Hipa Violation" The Misconduct report is a public document and medical information was disclosed in the misconduct written by Donna Sword.

"Administrative Intimidation" ADW McDonald threatened to send me to prison in the U.P. if I don't drop my grievance on medical saying im putting nurses licenses on the line, and never followed up with my health care making sure I see a doctor.

All of this while I have been waived "UP" to a higher security level prison, level 2, due to LACK OF BEDSPACE during an airborne pandemic! Several men have died from my unit and HUNDREDS HAVE DIED in M.D.O.C. CUSTODY!!

There are no classes, church, or visits. There is limited outside yard time, and we have been locked inside a crowded unit with no ventilation for over a year!

These are misdemeanors, constitutional violations, and civil rights violations that I can prove and I need help!

I had a closed head injury right before this crime and I was in a coma. After I got out of a coma, I was driving alone where I smashed my truck and had a concussion again. There is an incident report for this in Wyoming, Michigan. This was just before this crime. Its clear I was out of my mind and didn't know what I was doing. THIS WAS STUPID,

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You have received a *JPAY* letter, the fastest way to get mail

From : WILLIAM HICKS, ID: 521313
To : Kevin Heemstra, CustomerID: 24012101
Date : 4/17/2021 8:44:19 PM EST, Letter ID: 1133240892
Location : TCF
Housing : CA089TOPA

but I didn't have a weapon and nobody was hurt or assaulted.

I have called the Lapeer state Police trying to file misdemeanor charges for willful neglect and they haven't come to see me. They told me to work it out with the facility, even though I told them I have proof and evidence of willful neglect and reckless endangerment with the misconduct report and my medical record, showing they STILL haven't let me see a doctor.

I know it's my right to file charges as a citizen, and I don't know who I can turn to at this point for help if I can't even turn to the STATE POLICE.

This is now in VIOLATION of Plaintiffs 1st AMENDMENT RIGHT to be heard on this!

I have been ignored by STATE OFFICIALS, even had RACIST ACCUSATIONS by A.D.W. CARTER.

PLEASE ADD ME ON JPAY.COM TO EMAIL
WILLIAM HICKS #521313
OR REACH OUT TO ME SOMEHOW.

I AM THE ONLY MICHIGAN PRISONER WHOSE ARRESTING OFFICER HAS BEEN PUBLICLY PETITIONING
FOR MY RELEASE SINCE 4-22-2020, BEFORE COVID-19.
PLEASE HELP!!!

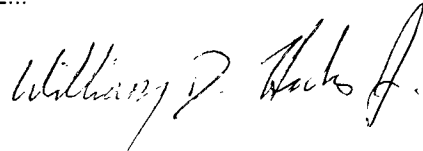
FOR THESE REASONS I AM DEMANDING EQUAL JUSTICE UNDER THE LAW.

As a taxpayer, I have worked so much that I had to pay in \$800 to \$1,000 a week in taxes. I am still owed taxes, because I was working up until my incarceration. I had a closed head injury and an Opiate Dependency.
I DEMAND EQUAL JUSTICE.

I'M ASKING TO BE RELEASED ON GPS TEATHER TO A MENTAL HEALTH INSTITUTION OR REHABILITATION
CENTER, AND ALLOWED TO SEE A REAL DOCTOR IMMEDIATELY. MY MENTAL HEALTH, PHYSICAL HEALTH
AND MY LIFE ARE BEING WILLFULLY NEGLECTED EVERYDAY.

WILLIAM DAVID HICKS JR. 03-29-2021
#521313
Thumb Correctional Facility
3225 John Conley Dr.
Lapeer, Mi 48446

#CRIMINAL JUSTICE REFORM!!!
#EQUAL JUSTICE!!!
#I CANT BREATHE!!!



You have received a *jp*ay letter, the fastest way to get mail

From : WILLIAM HICKS, ID: 521313
To : Kevin Heemstra, CustomerID: 24012101
Date : 4/22/2021 7:39:00 PM EST, Letter ID: 1137992809
Location : TCF
Housing : CA089TOPA

I need to sue M.S.P. LAPEER for instructing me to work my issues out with Inspector Douglas when I called them to file misdemeanor charges on Warden Cheeks and Heidi Washington for not requiring staff to Covid-19 test daily resulting in TORTURE! This exposes me to ALL variants by staff, and this is a deadly disease. This also proves corruption by The State of Michigan because nobody ever came out to make a report or investigate, and I have been silenced from exposing this as a prisoner. Somebody is responsible for this. State and Federal Laws have been broken here and I have proof. I need a FEDERAL INVESTIGATION into this corruption.

Men have died at this Facility and all over MDOC, and it weighs heavily on my mental health that reasonable measures are not being taken to protect the prison population. Staff testing before each shift is a REASONABLE MEASURE that could be taken to PROTECT the prison population since MDOC Staff keep bringing in Covid-19, and prisoners keep being locked down in an environment we can't social distance in. This forces me to catch every single variant that is brought here, and may even Constitute TORTURE! I AM a Taxpaying Michigan citizen, despite my incarceration status! And I AM entitled to EQUAL JUSTICE and DUE PROCESS under the law and constitution. I called MSP twice for help, and no response.

The Warden and staff have said they can NOT force Staff to test daily before work.

While that MAY be true(maybe not), there is NO INCENTIVE in place for staff to test daily either.

They are VIOLATING my CIVIL RIGHTS, and my respect as a citizen by saying IF we have to SUE, staff wont retaliate, Saying sue if you can prove it, in emails they have sent to us, but the law library remains closed and restricted.

They also put us in situations where we MUST have 1st hand contact with staff to get toilet paper every other day, and don't make reasonable decisions based on the scope of their job to protect the prison population. Staff KEEP bringing variants in!

I called MSP Lapeer twice and I asked to file misdemeanor charges and said I have proof of willful neglect and reckless endangerment with the jpay emails from the Wardens Forum where they DENIED this reasonable request, and nobody ever came out to see me or make a report. A well fare check was never made, and nobody has even looked into the true ventilation issue during this pandemic that I have grieved under inhumane living conditions. This is not up to building code and will fall under heat or ventilation.

I ALSO have PROOF of my 8th Amendment being violated in 3 Different ways, with the Executive Orders preventing me from medical unless its Covid related. The Executive Orders that CLOSED the Law Library, making my APPEAL LATE.

And with the Inhumane Living Conditions by not having adequate VENTILATION during a pandemic, locked inside with no exhaust or air exchange rate per hour.

And showing an abuse of power by a nurse writing me a misconduct for asking to see a doctor too loudly and NEVER scheduling a doctors appt.

And TORTURE because of the negligence and the risk of damage to heart, lungs, and several organs from being exposed to Covid-19 and ALL VARIANTS on each shift.

Furthermore I sent Emails to Inspector Douglas to forward to MSP LAPEER to file charges and I was never interviewed by MSP. No matter what an officer is supposed to respond in person to make a report and gather evidence.

This is a Lawless Abuse of Power, and lawless forces are being applied by keeping me locked down like this.

I can't even sue them because the law library is closed and I don't know what to do. While they sent us emails saying they will not retaliate if we have to sue them.

I am being exposed to several variants and I have no way to social distance to protect myself as a prisoner. This is threatening my life daily, and with each shift it is a threat on my life. I am a non violent person, in prison for a \$60 crime. I also have the support of my arresting officer.

Regarding the ventilation, there is no ventilation inside the unit (air exchange rate) when outside temps are below 60°F. This has been the majority of the time since last March when Covid-19 arrived, and people have died from my unit so I know first hand its deadly. We have been locked inside with no ventilation during an airborne pandemic where men have died and the warden won't make a reasonable effort to protect us by requiring staff test daily. Staff testing daily is a reasonable measure that could be used to help protect the prison population, that is NOT being

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used due to willful neglect.

This recklessly endangers my life by exposing me to the same deadly disease over and over again!

This could technically be considered torture, both physically and mentally.

This is corruption by Michigan state facility's MSP and Thumb Correctional Facility for not addressing the issues and for covering them up.

If your doing something that hurts someone and you know its hurting them AND you continue to do it, then you are willfully hurting them. You are intentionally choosing to expose us to Covid-19 and all of the variants by not taking this reasonable measure to protect us by testing staff daily.

I AM STILL A MICHIGAN CITIZEN AND I AM NOT SERVING LIFE OR SENTENCED TO DEATH.

This is a FELONY under the LAW !

And I demand Equal.Justice and Relief as a Michigan citizen!

I NEED IMMEDIATE RELIEF!

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V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I have a tumor in my neck that presses on the nerve bundle on the left side of my neck, making it very painful. It also restricts movement because I can't turn my head all the way to the left.

The tumor radiates pain all the way through my neck into my throat near my tonsils.

PA Courtier said the tumor is benign, but testing was never done to verify this.

To this day there has been no biopsy and I am still in pain. It is not going away and I have been in pain because of this for over 15 months now. This isn't normal and I am being denied a Doctor and treated like I'm crazy when I suggest my neck hurts.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I am requesting an Attorney to determine how much it's worth to recklessly endanger and threaten my life as a prisoner with each day and each shift, causing me to live in a constant state of anxiety while denying medical and stopping mental health medication cold turkey on Day 1 of prison. I want the Court to let me see a real Doctor immediately. I want the Court to address Ventilation issues in A, B, C, D units. I want the Court to take action to help in Appeals because COVID-19 shut down courts and closed Law Library, isolating me. I had a closed head injury and I want the Courts to provide a Doctor. I want the Court to make staff test daily to protect public and prisoners. I want the Court to award 3 million Dollars in money damages to be divided up between Defendants at the Courts discretion. I want the Court to terminate people to provide accountability and protection, so this doesn't happen again. I want the courts to respond swiftly and provide equal justice.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Thumb Correctional Facility
3225 John Conley Dr.
Lapeer, MI 48446

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)? Administrative Intimidation, Retaliation

8th Amendment right to be free from
CRUEL AND UNUSUAL PUNISHMENT.

8th Amendment right to Humane "LIVING CONDITIONS"
for Prisoners on either Ventilation or Heat.

Federal HIPPA PRIVACY VIOLATION
ABUSE OF POWER

(Grievance Procedure Does NOT cover the violations caused
by the Executive orders.)

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Thumb Correctional Facility
3225 John Conley Dr.
Lapeer, MI 48446

2. What did you claim in your grievance?

Dereliction of Duty, Deliberate indifference to my healthcare needs, Cruel and Unusual Punishment, Willful Neglect, Retaliation, Administrative Intimidation, Disciplinary Intimidation, Abuse of Power (misconduct for seeking medical), Inhumane Treatment, Inhumane Living Conditions, Malpractice, and Federal Hipaa Violation.

3. What was the result, if any?

All grievances were DENIED, and I still have not seen a doctor. I am being retaliated against and intimidated. They said they "Trained Donna Sward" on the misconduct that violated Hipaa Laws, and still never scheduled a doctors appointment for me, other than "Chronic Care."

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

Yes, the grievance process is completed. I appealed all grievances to step 3 and was denied. I've been trying to get help for over a year now, and the pandemic and Executive Orders have been used to deny treatment. There is still no ventilation, and I haven't seen a doctor or received treatment due to the pandemic.

- F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I never turned in my grievance on ADW McDonald because I am afraid it will haunt me in the future.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. *see Attached...*

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

Please see attached.....

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No - The LAW LIBRARY IS CLOSED. I NEED HELP!

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

MIED ProSe 14 (Rev 5/16) Complaint for Violation of Civil Rights (Prisoner Complaint)

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)***IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: APRIL 16, 2021.

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification # 521313Prison Address 3225 John Corley Dr.Lapeer
CityMI
State48746
Zip Code

Additional Information: PLEASE See Attached:

I AM ALSO REQUESTING AN ATTORNEY BE APPOINTED IN THIS CASE FOR IMMEDIATE RELIEF AND TO INVESTIGATE FURTHER because I cant get the Grievance Coordinator to give me Copies of my Entire grievance file and My Medical record. I ALSO NEED HELP BECAUSE THE LAW LIBRARY IS STILL CLOSED AND RESTRICTED, Due to Covid. The money for a Filing Fee is in my account and the Court has my permission to withdraw it directly from my prison account in order to act swiftly. Please take immediate action.

BRIEF FOR Habeas ~~corpus~~ / 1983 Civil Complaint

EXHIBIT

3

I cannot get a writ of habeas corpus. I need a Certificate of Appealability. I think.
 Please help me. I need a Certificate of Appealability. I think.

STATE OF MICHIGAN
 IN THE COUNTY OF KENT

17th JUDICIAL CIRCUIT

William David Hicks Jr.

Plaintiff

v

Heidi Washington

T.C.F. Warden Cheeks et. al.

Defendants /

MANDAMAS MCR 3.305

1983

WRIT OF MANDAMAS / HABEAS RELIEF

Now comes, Petitioner William Hicks, In Pro Per, [unskilled and uneducated in law] and moves this honorable court pursuant to Michigan compiled law 600.4352(1); MSA 27A 4352(1) and Michigan Court Rule 3.303, 3.315; Habeas Corpus to enquire into CAUSE OF DETENTION to allow the Plaintiff to file this writ of Habeas Relief and complaint on behalf of William Hicks (Petitioner) in State Custody.

JURISDICTION

Jurisdiction lies with this court and is premised on the First Amendment of the United States Constitution and art I § 3 of the Michigan Constitution of 1963. Additionally the United States Supreme Court has ruled that:

A trial court retains jurisdiction over the prisoner during the entire commitment and may Alter, Amend, or terminate imprisonment at anytime upon improper application being instituted. It is a judicial act as much the

imposition of the sentence in the first instance. United States v Penz 282 US 304 (1934).

INTRODUCTION

This case presents an opportunity for this court to decide whether the violation of a convicted prisoners FIRST, FIFTH, EIGHTH, and FOURTEENTH Amendment rights allow for the release of that individual particularly where the release was strongly recommended by the Governor through Executive order and the power of the court to determine the legality of the restraint under which that person is being held is being challenged because of a violation of the order.

There are also broader questions presented in this case should the court decide to address the issue. Under what circumstances can the particulars of a Constitutionally valid Conviction affect the duration of the sentence to be served if its execution is unconstitutional. The Court here has an opportunity to clarify a constitutional remedy (e.g. tether or home confinement) in order to effectuate the States goal; deterrence.

The court has recognized that the challenge to the fact or duration of confinement such as the refusal to discharge is cognizable under habeas. See *Cross v. Dept. of Corrections* 103 Mich App 409 (1981). However, in the case of this pandemic A "Conditions of Confinement" NOR B "Fact or duration" label suit fit squarely. See *Kent County Prosecutor v. Kent County Sheriff* 428 Mich 314 @ 328

STATEMENT OF FACTS

In violation of the plaintiffs First Amendment Right to petition the Government for a Redress of grievances. 4 constitutional rights are violated. Defendants Washington, Cheeks and others did conceal email exchanges sent to and from Centers for Disease Control, The World Health Organization, The Department of Health and Human Services, The Director of Medical Experts and other State and Federal Offices detailing the dangers a Covid-19 outbreak would have amongst the prison population once inside a state facility. In furtherance of this violation, Defendants Washington, Cheeks, and others did conceal other information that has to this day prevented the Plaintiff from Promulgating an accurate accounting of all of the Constitutional Violations he has been subjected to while in the custody of the Department of Corrections. The law is well settled in this state and the 6th Circuit that a prisoners Constitutional Right to access the court is cognizable under the law. Section 1 of the Fourteenth Amendment states in part: "All persons born or natrulized in the United States and subject to the jurisdiction thereof are citizens of the United States and the state where they reside. No state shall make or enforce any law which snall abridge the privelages or immunities of the United States; Nor shall any state deprive any person of life, liberty, or property without due process of law..." LAW LIBRARY CLOSED (ATTACHED) In violation of Due Process of Law. Defendants Washington, Cheeks, and others failed to observe civil service rules and MDCC policy directives or otherwise conduct themselves according to the Corrective Action for Employee Performance Problems. See P.D. 02.03.130. Defendants Washington and Cheeks failed to inform and train those under their surview of the adopted department policies and necessary procedures with regard to Governor Gretchen Whitmer's executive order and CDC recommendations detailing

the protocols of social distancing requirements; Sanitation of the units; And the management of prisoners infected with Covid-19.

Additional v, Defendants Washington and Cheeks did retaliate against the plaintiff by placing a substantial burden on his right to freely access the courts where he could argue legitimate First, Fifth, Eighth, and Fourteenth Amendment Violations which if proven would entitle him to immediate release from custody. The following Eight and Fourteenth Amendment violation can be proven through camera footage, J-Pay emails, misconducts, and Affidavits. On March 10, 2020 the Michigan Department of Health and Human Services identified the first two presumptive - positive cases of Covid-19 in Michigan. On the same day Governor Whitmer issued executive order 2020-4 which declared a state of emergency across the state under section 1 of Article 5 of the Michigan Constitution of 1963, the Emergency Management Act 1971 PA 390 as amended MCL 30.401 - 421 and the Emergency Powers of the Governor Act of 1945, 1945 PA 302 as amended MCL 10.3 -33. There has been over 700,000 confirmed cases of Covid-19 with over 7,000 deaths statewide, with over 140 of those deaths occurring in the Michigan Department of Corrections. 3 deaths in the Plaintiff's housing unit, and 7 men died at Thumb Correctional Facility compound. These powers are unconstitutional. The continued extensions of the State of Emergency, and the prison lockdowns have also prevented Petitioner from seeing a doctor while in prison (Violating my right). Medical staff have made it clear that due to Covid-19 and the extensions of the State of Emergency by the Governor, medical doesn't have to see Petitioner unless it's life threatening due to the Covid Pandemic social distancing guidance. Petitioner is all messed up from Covid with long hauler symptoms, and has an extensive paper trail at T.C.F. and being denied (3 grievances in May 20 and over 6 medical requests, still NO DOCTOR). Plaintiff even has a misconduct for asking to see a doctor too loudly (Insolence), where

he was locked down for 19 days, 09-01-20. Plaintiff STILL HAS NOT SEEN A DOCTOR (Medical conduct report / medical file is proof). This is willful neglect, a misdemeanor charge on H.U.M. Janet Nixon and many other medical staff including the regional medical director for denying my grievances and for not following up with my health care needs. Neglecting to see plaintiff with a doctor.

Plaintiff was told by nurse Coprey that sugar goes further than spice, and I shouldn't have written grievances. Plaintiff has refused the vaccine because he has been messed up from Covid-19 for over a year now documented in several grievances. Plaintiff has been seeking help for over a year now for underlying issues that need need to be addressed before he takes a shot. Furthermore, a misdemeanor charge for reckless endangerment needs to be filed on Defendants Washington, Cheeks, and others for not requiring staff to instantly test for Covid-19 before each shift while coming into the prison and it puts petitioners life and health at risk with EACH SHIFT that works because of simple negligence.

Petitioner has no way to effectively social distance in a prison setting. Prisoners need the protection of instant testing by staff, and it's a reasonable safety measure that is not being used to protect the prison population. This was brought to the Wardens Forum where it was denied (Exhibit) Defendants Washington Cheeks, and others said that since CDC guidance doesn't recommend staff test daily before entering the facility, THEY WILL NOT DO IT ! The Governor, the Director of the MDCC, the Warden, and MDCC staff are responsible for prisoners health, safety, and humane treatment, not the CDC. This is proof of BOTH misdemeanors willful neglect and reckless endangerment. Especially with "Lack of bedspace" crowding and no ventilation. And this is a violation of plaintiffs 8th Amendment right to be free from cruel and unusual punishment. There is also discrimination going on because only some prisoners have been given KN95 masks by medical, while the population was given 1 ply cloth masks.

Petitioner is uniquely vulnerable to contracting the novel Coronavirus (Covid-19) and all Covid variants and double variants while in the physical custody of the respondents - Defendants at the Thumb Correctional Facility 3225 Jane Conley Drive Lapeer Michigan 48446; or any other Michigan Department of Corrections Facility. By continuing to deny needed treatment and by refusing to follow Governor Gretchen Whitmer's Executive Order regarding the temporarily recommended Covid-19 protocols and enhanced early release authorization for county jails,... enter into Michigan Department of Corrections facilities. (Hereafter referred to as M.D.O.C.) and transfers to and from Department Custody the defendants violated the Petitioner's FIRST, FIFTH, EIGHTH, and FOURTEENTH Amendment Constitutional Rights.

Also seeks declaratory and injunctive relief to estop defendants unlawful detention of him and asks the court to order his immediate release and place a restraining order on said Defendant that won't let him see a doctor.

The unconstitutional executive orders have also prevented Petitioner from meeting his Michigan Supreme Court appeals deadline by closing the law library violating a right. Petitioner tried to withdraw his plea before sentencing and was denied. He wanted a trial because counsel lied (Ref transcripts). Plaintiff contests that he was not convicted upon legal process because trial judge refused to withdraw plea before sentencing. Petitioner feels like he is innocent because of a closed head injury that placed him in a coma shortly before the crime. The Michigan Supreme Court denied his appeal for not meeting the 56 day deadline. I was only 10 days into the 56 days when the Emergency Powers were issued by Governor Whitmer, closing the law library and locking the prison down. This has denied the petitioner access to the courts. Even though petitioner had a note from the law library saying it was closed due to the

pandemic, it was still denied for being late. The law library at T.C.F. remains closed, and the pandemic keeps T.C.F. on "Outbreak" status, still, Petitioner has to come up with legal help without access to the law library or access to the electronic law library, "ELL" and the ability to Shepardize case . This has become a Federal issue, and Federal orders of compassionate release may also be referenced. The feds also need to look into corruption and state officials covering up for each other for mistakes made and negligence because of, and during this pandemic.

The Executive orders by Governor Whitmer and the actions of Defendants Washington, Cheeks and other have also prevented the plaintiff from mental health medication or help, (in violation of the 8th Amendment) and the petitioner was taken off psyc meds cold turkey on day #1 of prison, unvoluntarily. Petitioner was diagnosed with depression again on 2-17-18 and has been taking medication for mental health and substance abuse issues since 2012 and before. Petitioner completed 6 months of inpatient substance abuse treatment both before his crime and while on bond, and was doing very well on medication in programing. Petitioner also completes 408 hours of community service while out on bond, and remained sober.

T.C.F. has made it clear early in the pandemic that they do not prescribe "The Adult Side" mental health medication, or treat with medication at the T.C.F. facility, and they are not doing transfers to other facilities because of the executive orders. Now prisoners are being isolated in extreme ways due to the pandemic, compounding these issues. Science has proven that isolating a recovering addict from support is not effective at correcting behavior, or deterrence. It in fact has the opposite effect, and can be the worst for someone in recovery. Petitioner has even tried turning to mental health at

T.C.F. about his grievances, the pandemic concerns, and about not being able to see a doctor at T.C.F. Petitioner was told by mental health that "I'm going to let medical handle medical issues." and was unsuccessful at scheduling a doctors appointment STILL. Essentially the petitioner is still being isolated with nowhere to turn.

Petitioner called Michigan State Police to file a report, charges, and a restraining order on Defendants Washington, Cheeks, and others twice on Thursday, March 25th. Petitioner was never interviewed by MSP or allowed to file a police report. A wellbeing check was not done, and it is a violation of Petitioners 5th Amendment right to Equal Justice under the law to be denied the right to file a police report, as a citizen. This may also constitute corruption by State facilities, and is a violation of my 5th Amendment right to Equal Justice when prisoners lives and health are put at extreme risk daily with each shift worked, due to willful neglect and reckless endangerment. Petitioner has had chest pain several times and never been given an EKG TEST, or any other testing on organs. Petitioner even lost speech ability before the pandemic and was seen by medical, around February 2020. PA Courtier told petitioner "It happens, and it affects the Braca's area of the brain, and never scheduled any type of medical testing, or scheduled any appointments.

All of this while Petitioner has been waived "UP" to a higher security level prison, level 2, by ADW CARTER, due to "Lack of Bedspace" during an airborne pandemic. Several men have died from petitioners unit specifically, and from T.C.F. compound, and HUNDREDS HAVE DIED in M.D.O.C. custody. Due to the pandemic there are still NO VISITS, NO CLASSES, NO CHURCH, NO BARBERSHOP, (8th) limited outside yard, and prisoners are locked inside crowded units

These are misdemeanors, constitutional violations, and civil rights

violations that can be proven.

Furthermore, Petitioner argues that he had a closed head injury right before this crime and was in a coma. Right after he got out of a coma, he was driving alone and smashed his truck, suffering another concussion / head injury in Wyoming, Michigan. (185D 1875. 2-10-18) It can be clearly seen that petitioner didn't "ROB THE PLACE." (PSI REPORT)

ARGUMENT

This case can be decided simply on the courts broad latitude to fashion a remedy based upon the Governors Executive Order. *Swann v Charlotte - Mecklenberg Bd of Educ.* 402 US @ 15 (1971). Next, because of this courts powers to require State Officials adherence, the Petitioner has humbly requests the court enter an order enforcing Executive Order 2020-29. "The Authority to determine for all what ought to be done in an emergency must be lodged somewhere or in "somebody." *Jacobson v Massachusetts* 197 US @ 27 (1909). Because there is no National Consensus with regard to testing, prevention of trasmission, ect. it would be a significant step under separation - of powers principles for a court to determine now, in the midst of a second Covid surge that it has the authority under judicial power to create a cause of action that would undermine the Executive Authority of the Governor - particularly when the decisions of Covid Management has been left to the States. The Michigan Supreme Court has recognized as much with the published decision of Administrative Order No. 2020-1 issued March 15, 2020. The order states that "during the state of emergency trial courts should be mindful that taking reasonable steps to protect the public is more important then strict adherence to normal operating procedures. .

In calling it an Abuse of Discretion for the trial court to consider existing

statutory factors along with public health factors arising out of the present state of emergency it would be very remiss of me not to mention that prisoners are members of the general public, despite their incarceration status.

Moreover it is understood that the Department has a primary responsibility over the well being of the incarcerated state prisoners whenever that prisoner is lodged within a facility under the departments power. *Green v Dept. of Corrections*, 335 Mich 459 @ 465 (1971). It is clear by the record the MDOC does not have the capacity to constitutionally deal with the pandemic in this case.

Normal Habeas Constructs are inapplicable here.

"Habeas Corpus is a civil proceeding, the main purpose of which is to cause the release of persons illegally confined and to inquire into the authority by which a person is detained." *Traver v Kent Co. Sheriff* 104 Mich App 32 @ 34 (1984).

An action for habeas Corpus to inquire into the cause of detention may be brought by or on behalf of any person restrained of his liberty within this state. MCL 600.4307. Application for the writ of habeas corpus is not made in the criminal proceeding; it is made in a new and independent civil action instituted to enforce a civil right to liberty. *People v McCager* 357 Mich 116 @ 121 (1962)". The judicial proceeding seeking a writ of habeas corpus is not to inquire into the criminal act which is complained of, but to the right to liberty not withstanding the act ." *Id.* With that said, MCL 600.4310 states in relevant part "An action for habeas corpus to inquire into the cause of detention may not be brought by or on behalf of the following persons: (3) persons convicted, or in execution, upon legal process, civil or criminal;" However, the Michigan Court of Appeals has at least twice ruled that a petitioner is not precluded from habeas corpus relief due to § 4310. See *Cross v Department of Corrections* 103 Mich 409 @ 415 (1981). and *People v Price* 23 Mich App 663 @ 669 (1970).

As in Cross, the petitioner is testing the legality of restraint under the current climate. A climate in which there is, due to this pandemic a radial defect in the MDOC's ability to carry out its "Primary Responsibility." The United States Supreme Court sets the floor upon which the State of Michigan will not go lower than any particular case. However, states rights allow for this court in its discretion to set a habeas corpus ceiling when, as here, there is an ongoing constitutional violation(s) that cannot be Ameliorated.

THIS CASE FALLS SQUARELY WITHIN THE CORE OF HABEAS.

The Supreme Court and Sixth Circuit precedent support the position of habeas corpus or Mandamus Cognizable when, as here, the petitioner claims no set of conditions would be sufficient to protect his constitutional rights. In the current setting as this court is wellaware it is impossible to simulate social distancing. In Nelson v Campbell the Supreme Court held that a death row inmate challenge to the method of his upcoming execution, A challenge to the conditions not the fact or duration - of his execution and therefore his claim fell outside of the core of habeas corpus. 541 US 637 @ 644-645 (2004). However, the court stated that if the challenge method "were a statutorily mandated part of the lethal injection protocol or as if a factual matter petitioner were unable or unwilling to concede Acceptable Alternatives" there would be a stronger argument because success on the merits coupled with injunctive relief brings the claim directly into the wheelhouse of habeas corpus. The Sixth Circuit affirmed this principle in Adams v Bradshaw when it relied on Nelson to uphold a habeas jurisdiction claim when the petitioner challenging his method of execution refused to concede any acceptable alternatives existed. 644 F 3d 481 @ 483 (2011). In the present case it is literally impossible for the state to prevent the constitutional violations from happening. Moreover, the defendants

actions and unwillingness to take reasonable action to protect prisoners make you unable or unwilling to concede an acceptable alternative applies.

First of all, the concept of social distancing in a prison setting where inmates are double bunked and in some cases confined in eight man cube settings flies in the face of CDC recommendations. Second, the petitioner sits here and awaits a second, third, or fourth transmission of the virus. Moreover, Article 4 § 46 of the Michigan Constitution provides that "No law shall be enacted providing for the penalty of death." In fact the United States Supreme Court has stated that they have a hard time finding how prison officials could not be held responsible for an inmates health problems if the conditions of confinement is sure or very likely to cause serious illness or needless suffering within the next week, month, or year. *Helling v McInney* 509 US 25 @ 33 (1993).

In the present case the petitioner was extremely ill after contracting this disease and the prison officials have violated petitioners Constitutional rights, including his 5th Amendment Right to Equal Justice, 8th Amendment Right to be free from Cruel and Unusual Punishment, 8th Amendment Right to Humane living condition for prisoners under Heat or Ventilation, and his 14th Amendment Right to Due Process. I want to be clear I am not only seeking Mandamus and Habeas relief because of a denial of treatment.

It is also clear the legality of the restraint here is lacking and absent a cure for any new strains of Coronavirus and this will be an ongoing issue for years to come. The Eighth Amendment prohibition against cruel and unusual punishment forbids torture, and what embodies torture more than confining someone and making them wait to contract the same deadly disease twice !

However, since Government officials don't readily admit the subjective component of this test it may be demonstrated in unusual ways including

inferences from circumstantial evidence. *Ricnko v Wayne Cty* 819 F.3d 907 @ 915 (6th Cir 2016) (Citing *Amick v Ohio Dept. of Rehab and Corr.* 521 Fed Appx 354 @ 351 (6th Cir 2013) In fact "a fact finder may consider that a prison official knew of a substantial risk from the very fact that the risk was obvious." *Farmer v Brennan* 511 US 825 @ 842 (1994)

The executive order put prison officials on notice about the risk. It is clear that the legality of restraint is lacking here because the J-Pay messages offer an indication of reliability that the officials knew the rate of transmission of this virus was unlike anything they had ever seen, and they have denied treatment.

The Eighth Amendment against cruel and unusual punishment FORBIDS TORTURE and WHAT EMBODIES TORTURE more than prison officials confining someone and making them wait to contract the same deadly disease twice or more because of the continuous negligence to test staff DAILY ! The defendants were well aware they could not protect the prison population on March 10, 2020 and they know that they can't protect us now and HENT COUNTY makes it clear the court has power to fashion a remedy in such a situation. *Id* @ 328 v *McIninner* 509 US 25 @ 33 (1993).

What the defendants have done in this case VIOLATES the CLEARLY ESTABLISHED LAW. see eg. *Estelle v Gamble* 429 US 97 @ 105 97 S Ct 285 (1976). That panel specifically ruled that you cannot interfere with medical treatment once prescribed." In fact, if the subjective and objective component of the Eighth Amendment needs to be satisfied for habeas purposes that can be easily proven. The defendants actions when combined with this highly contagious disease satisfies the subjective component without question. The objective component which requires that the officials being sued subjectively perceived facts from which to infer a subjective risk to the prisoner exist. This can be proven by

the J-Pay messages; Medical records, misconduct record, and grievance record.

STATE OF MICHIGAN
IN THE LAPEER COUNTY CIRCUIT COURT

WILLIAM DAVID HICKS JR.

Plaintiff,

v

HIDI WASHINGTON, WARDEN CHEEKS

MICHIGAN DEPARTMENT OF CORRECTIONS

et. al. Defendants /

EMERGENCY APPLICATION FOR ORDER

TO SHOW CAUSE FOR PRELIMINARY

INJUNCTION AND RESTRAINING ORDER

Upon complaint supporting affidavits of petitioner, sworn to on the _____ day of _____, 2020 and the memorandum of law submitted here with it is ordered that: Hidi Washington, Warden Cheeks, ADW Carter, ADW McDonald, Janet Nixon, PA Courtier, NP Massey, Donna Sword, Nurse Copley and all others not mentioned show cause in room _____ of the Lapeer County Circuit Courthouse located at 255 Clay St. Lapeer, Mi. 48446 on the _____ day of _____ 2020 at _____ o'clock or as soon as possible to show cause why writ of Habeas Corpus and/or preliminary injunction and restraining order should not issue pursuant to Michigan Compiled Law 600.4307; Michigan Court Rule 3.303.305; Michigan Compiled Law 600.4352 and why the enjoined defendants or their successors in office AND ALL OTHERS not mentioned but acting in concert with them preventing the petitioners release for the entirety of the pandemic explain their actions as to why after being put on notice about the PUBLIC HEALTH CRISIS and the preexisting conditions of the petitioner he should not be released - particularly when they have refused treatment. It is further ordered that effective immediately and pending the hearing and determination of this order and any appeals that the aforementioned defendants, their successors and ALL

OTHERS acting in concert be restrained from arresting plaintiff for the purpose of confinement in Michigan Department of Corrections until the pandemic has been eradicated, or until herd immunity has been reached.

It is further ordered that personal service of A copy of this order and annexed affidavit upon defendants or their counsel on or before the ____ day of ____, 2020 shall be recognized as sufficient service thereof.

RELIEF REQUESTED

Petitioner, William David Hicks Jr. humbly request that this honorable court conduct a show cause hearing with him present within three days of receiving this writ of habeas corpus and show cause motion to compel answers to the following on the record.

1. Why has Thumb Correctional Facility resumed the risky practice of accepting prisoners from other facilities ?

2. Why have defendants refused to make reasonable efforts to be proactive in protecting the lives of prisoners by facilitating reliable measures for all TCF staff members to undergo daily instant testing ?

3. Why have defendants ignored the Health and Human Services as well as the CDC recommendations regarding social distancing ?

4. Why have defendants ignored the ventilation issue even after it was grieved ?

5. Why was the Governors Executive Order and other emails that detailed the dangers the virus posed to prisoners not provided to them ?

6. Why have defendants refused any and all diagnostic testing that would reveal any organ or tissue damage due to Covid-19 ?

7. Why have defendants refused to schedule a doctors appointment for plaintiff

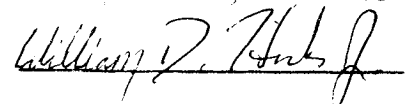
in the midst of a pandemic where plaintiff has gone to great lengths to seek help and is complaining of persistent symptoms ?

The petitioner also request that to the extent this court has jurisdiction to do so that it order single man cells in every MDOC facility that operates a 'Covid-19 step down program.'

Petitioner also request that he be released from MDOC and restrained from being placed back in the MDOC custody until the virus has been eradicated. Petitioners arresting officer, Brady Heckman has been in support of release to a program since 4-22-20, before Covid-19, due to my recovery and volunteering while on bond. (Letter attached)

The law library is still closed, and petitioner is being locked down, isolated, and denied medical treatment an 'inhumane living condition' with no ventilation.

Respectfully Submitted



William D. Hicks Jr #521313

PLAINTIFF IN PRO PER

THUMB CORRECTIONAL FACILITY

3225 John Conley Dr.

Lapeer Michigan 48446

Proof of everything.

I am requesting an Attorney to help me with everything since the law library has been restricted so long.

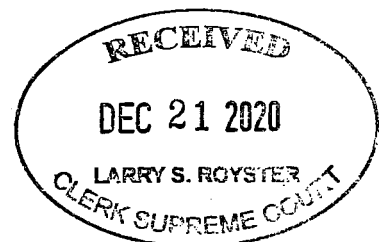
HDOC staff will not work with me to give me my entire avoidance record. I need help.

Please assign me an attorney.

EXHIBIT

4

RETURNED
DEC 23 2020
LARRY S. ROYSTER
CLERK
MICHIGAN SUPREME COURT



Honorable Supreme Court,

18-06331-FC

My name is Bill Hicks, and I am probably the only Michigan Prisoner whose arresting officer is publically Petitioning for my release.

I mailed you a packet last week as soon as I could after receiving an email that we can still appeal. You may remember it because I included a couple letters from my arresting officer, Brady Heckman, in the packet.

Please accept this packet to be used as exhibits to show some of the things I am going through in here. (I need copies of this)

My rights are being violated in several ways, I am being denied medical treatment, and there is no accountability for staff. This also shows and proves what I believe to be Corruption and Cruel and Unusual punishment during this Pandemic. And abuse of Power

I am unable to use the law library or get copies of these things because we are on COVID-19 "Outbreak" status again, so I'm sorry I had to send you 2 separate packets a week apart.

I would appreciate it if you could send me a copy of this and my entire Court file for the purpose of Appeal, a.s.a.p.

Also, because these are my only copies of some of these doc's I just need immediate medical relief, and I need to go to the hospital. (See attachments) Several people have died here and I am being extremely isolated and on permanent quarantine due to COVID-19. This is not legal.

T.C.E.

3225 John Conley Dr
Lapeer, MI 48446

Please help me!

William David Hicks Jr

William D Hicks Jr

RETURNED

DEC 23 2021

LARRY S. ROYSTER
CLERK
MICHIGAN SUPREME COURT

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM4835-4247 10/94
CSJ-247ADate Received at Step I JUN 04 2020Grievance Identifier: T.C.F. 20106-307-12D

Be brief and concise in describing the grievance issue. If you have any questions concerning the grievance procedure, refer to PD 03.02.130 and OP 03.02.130 available in the prison Law Library.

Name (print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
WILLIAM HICKS JR.	521313	T.C.F.	CA-89	5-29-20	5-31-20

What attempt did you make to resolve this issue prior to writing this grievance? On what date? 5-29-2020

If none, explain why. I spoke with PA Couturier in Cord A. I explained that in Jan and Feb, before covid, I saw nursing 3 times for painful swollen lymph nodes in my neck. Each time I was prescribed something different, none of it worked. Then covid hit and I have been locked in Cord A unit in pain for approx. 11 weeks seeking medical attention through kites, officers, and nurse contact. Couturier stated "Jesus, how many doctors do you need to see Hicks!" I said, "I REAL doctor, not a nurse." She got mad and stated "We are done seeing you for that Hicks." And "Bye Hicks! See you again NEVER!"

State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used.

Four copies of each page and supporting documents must be submitted with this form. The grievance must be submitted

to the Grievance Coordinator in accordance with the time limits of OP 03.02.130. This grievance is on PA

Couturier and medical for cruel and unusual punishment, and dereliction of duty.

in accordance with PD 03.03.130 and according to MCL 791.203 HUMANE TREATMENT AND

VING CONDITIONS FOR PRISONERS. Paragraph G, health care. And paragraph K, #3, #4.

an MDOC employee, and as a PA, it is your duty to protect the health and well

ing of prisoners. It is a dereliction of that duty to do nothing for a prisoner

at is seeking medical attention, and has shown and expressed both in writing and

verbally that I am in pain. Also by knowing I am locked in my unit, on quarantine

for approx. 11 weeks now, seeking medical treatment, using every avenue available

to me. I have written several dozen health care requests stating I AM IN PAIN! I

have all of the evidence to support this claim. This constitutes CRUEL AND

USUAL PUNISHMENT, and DERELICTION OF DUTY.

03.03.130 paragraph G states "Health care including psychological services shall

be available to prisoners consistent with contemporary standards of medical

practice in the community, as set forth in PD 03.04.100 "HEALTH SERVICES" Health

services shall be available, accessible and organized for delivery in a humane, cost

effective and efficient manner.

Paragraph K states under #3 "Any act or lack of care, whether by willful act or

neglect, that injures or significantly impairs the health of any prisoner.

Paragraph K, #4 states "Willful infliction of mental distress, degradation, or

humiliation."

William J. Hicks Jr.
Grievant's Signature

RESPONSE (Grievant Interviewed?)

☒ Yes☐ No

If No, give explanation. If resolved, explain resolution.)

Jamie Trea
Respondent's Signature

Jamie Trea
Respondent's Name (Print)

G. Board
Date

RN13
Working Title

Mixon
Reviewer's Signature

Mixon
Reviewer's Name (Print)

6/23/2020
Date

John
Working Title

Date Returned to
Grievant: 6/25/20

If resolved at Step I, Grievant sign here.
Resolution must be described above.

Grievant's Signature

Date

DISTRIBUTION: White, Green, Canary, Pink — Process to Step One: Goldenrod — Grievant

Michigan Department of Corrections

"COMMITTED TO PROTECT, DEDICATED TO SUCCESS"

Memorandum

Date: July 2, 2020

To: As Assigned/ Patricia Lamb Northern Region Healthcare Administration

From: R. Buhl, Grievance Coordinator Thumb Correctional Facility

Subject: Attached Grievance Filed by Prisoner: **#521313 Hicks**

Lock: TCF

Grievance Identifier: TCF 20-06-307-12-D

After reviewing the attached Step II grievance, I have decided that you are the most appropriate staff member to investigate the issue.

The completed grievance should be returned to this office by **7/23/2020**. If you are going to require additional time beyond the due date to complete the investigation and response, you must request an extension. That request can be made via e-mail to the Grievance Coordinator. Thank you in advance for your timely response.

MICHIGAN DEPARTMENT OF
CORRECTIONS

CSJ-247S 3/18/2019

STEP I GRIEVANCE RESPONSE SUPPLEMENTAL FORM

(Use if space on the CSJ-247A is insufficient for a full response by stating on the CSJ-247A "See attached CSJ-247S")

Prisoner Name	Prisoner #	Unit/Location	Grievance #
Hicks, William	521313	CA-/89	TCF-20-06-307-12D

Is Grievant a Prisoner?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	IF "YES", Enter End Date
Is Grievant a Staff Member?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	

COMPLAINANT SUMMARY
 Grievant claims he has undergone cruel and unusual punishment and there has been a dereliction of duty by PA Couturier and medical. States he has had swollen and painful lymph nodes for 11 weeks and has been seeking medical's attention, wants to see a real doctor.

RECEIVED
 JUN 25 2020
 GRIEVANCE OFFICE

INVESTIGATION SUMMARY

Grievant's medical record was reviewed, and PA Couturier was interviewed. Grievant was evaluated by a Registered Nurse 4/5/2020, 4/7/2020, and 4/16/2020. Grievant was also assessed by NP Massey 4/16/2020 and antibiotics were ordered. At Grievant's ID Telemed conference Grievant stated the problem started after a tooth was pulled therefore, he was referred to Dental and evaluated. When PA Couturier and MP Massey were in the housing unit to deliver lab results to prisoners Grievant became very aggressive, yelling and demanding their names insisting he see a real doctor. PA Couturier did state she was done discussing this issue as that was not the reason she was in the unit. Grievant was referred to Dr. Oliver who ordered lab work, an x-ray and follow up appointment to discuss results.

APPLICABLE POLICY, PROCEDURE, ETC.

PD 03.04.100 Health Services

DECISION SUMMARY

Grievance is denied, Grievant has been seen by Health Care and his claim of dereliction of duty is not supported.

APPROVED BY	Tami Trea	DATE	RN13
APPROVED BY	<i>[Signature]</i>	DATE	6/23/2020
APPROVED BY	Jan Nixon	DATE	HUM
APPROVED BY	<i>[Signature]</i>	DATE	6-23-2020

Distribution: Original - Step I Grievance Coordinator

Copies - 3 To Grievant (1 Prisoner Copy; 1 for Step II filing; 1 for Step III filing)

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE APPEAL FORM

4835-4248 5/09
 CSI-2478

Date Received by Grievance Coordinator
 at Step II: JUL 02 2020

Grievance Identifier: TCF 20100-307-12D

INSTRUCTIONS: THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE.

The white copy of the Prisoner/Parolee Grievance Form CSJ-247A (or the goldenrod copy if you have not been provided with a Step I response in a timely manner) **MUST** be attached to the white copy of this form if you appeal it at both Step II and Step III.

AUG 21 2020

If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to: TCF
 by 7/19/20. If it is not submitted by this date, it will be considered terminated.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director's Office, P.O. Box 30003, Lansing, Michigan, 48909.

Name (Print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
WILLIAM HICKS JR.	521313	T.C.F.	CA '89	5-29-20	7-01-20

STEP II — Reason for Appeal:

I never had a tooth pulled in prison and its clear the H.U.M. never reviewed my record or she would have seen that. This is a LIE! When I was seen by nursing I was told on several occasions there is a budget for medical, and since I look lik Im healthy getting an MRI will be difficult and xrays are cheaper because they ar on site. First I was told it was swollen lymph nodes, then it was arthritis, and then a muscle strain, I now have 3 painful swollen knots in my neck instead of 2. And nobody knows whats wrong with me. This is causing me severe mental distress because I am in pain and I am not being provided with proper health care according to PD 03.03.130 and PD 03.04.100. This furthers my claim of CRUEL AND UNUSUAL PUNISHMENT and DERELICTION OF DUTY.
 MCL 791.203

STEP II — Response

See attached response

Date Received by
 Step II Respondent:
JUL 02 2020

Patricia Laub
 Respondent's Name (Print)

Patricia Laub
 Respondent's Signature

per response
 Date

Date Returned to
 Grievant:
7/24/20

STEP III — Reason for Appeal

MEDICALS DELIBERATE INDIFFERENCE TO MY HEALTH CARE NEEDS, AND
 DERELICTION OF DUTY FOR STILL NOT ORDERING OFF SITE TESTING.
 MCL 791.203 HUMANE TREATMENT AND LIVING CONDITIONS FOR PRISONERS
 PD 03.03.130
 PD 03.04.100

SEE ATTACHED:

NOTE: Only a copy of this appeal and the response will be returned to you.

STEP III — Director's Response is attached as a separate sheet.

DISTRIBUTION: White — Process to Step III; Green. Canary. Pink — Process to Step II; Gold.

Michigan Department of Corrections

TCF-2020-06-307-12D

RECEIVED

Grievance Step II Response

JUL 24 2020

HICKS 521313 CA-99

GRIEVANCE OFFICE

① As stated in paragraph 1 of the grievance, this is supported because Hicks has not been properly evaluated because he has been continuously denied a CT scan, or any other evaluation. (1) Grievant claims that he has been denied adequate evaluation and proper treatment for swollen lymph nodes in his neck. (2) Grievant indicates that his symptoms have been present since January or February and are getting worse. (3) And the problem never had a tooth pulled in prison... This is a LIE!

Investigation determined that grievant's issue was appropriately addressed by the Step I Respondent and is affirmed at the Step II Appeal. Review of the electronic health record reveals that a request was received from the grievant on 4/1/2020 in which he reported a "knot" in his neck that was painful and increasing in size. He was evaluated by nursing staff on 4/5/2020, 4/7/2020 and 4/16/2020. The medical provider was notified of findings and interventions were ordered accordingly. Grievant was subsequently evaluated by medical providers re: this issue, including an evaluation by a physician on 6/1/2020. Various tests were ordered and completed with unremarkable results. Grievant was most recently evaluated by a medical provider today, 7/23/2020. Documentation indicates that the treatment plan has been modified and follow-up is planned. STILL PENDING

Chart review reveals that grievant has been seen by Dental staff on multiple occasions since his most recent MDOC intake on 6/18/19. Documentation indicates that grievant has been treated with antibiotics for infections associated with his teeth. Dental work completed includes extraction of residual root tips of tooth #30 on 12/11/19 and restoration of teeth #14 and 15 on 1/2/2020. Extraction was recommended for tooth #32 but grievant declined that procedure.

Grievant's claim is not supported. He has been evaluated and treated as deemed appropriate based on his past medical history and current clinical presentation. While grievant's disagreement with the plan of care is noted, such disagreement does not inherently support his claim. Grievant is encouraged to discuss his symptoms and concerns with the provider at his scheduled visits, to follow the plan of care as instructed, and to promptly notify Health Care if he experiences acute adverse symptoms in future and/or if he has any further concerns re: chronic symptoms or issues.

Grievance denied.

Patricia Lamb, RN, BSN
Respondent Name

Patricia Lamb, RN, BSN
Respondent Signature

July 23, 2020
Date

Approved by: [Signature]
Reviewed by: [Signature]
Michigan Department of Corrections

Step III Grievance Response

~~WILLIAM HICKS~~ 521313

~~TCF~~ 20060307

Grievant alleges his pain concerns have not been appropriately addressed.

In accordance to PD 03.02.130 grievances are to be rejected when untimely. Pursuant to policy, this grievance was untimely filed by the grievant at the Step III appeal. The grievant's Step III appeal was received on August 21, 2020. While providing a grace period for standard mail; the grievance however was still not received in a suitable timeframe after the due date of August 8, 2020. This grievance could have also been rejected as vague.

The grievance tracking number has been changed from TCF-20-06-0307-12D to TCF-20-06-0307-28e in order to reflect the grievance category code at Step III.

Grievance rejected.

Response of Bureau of Health Care Services

Approved: S. Smoyer RN
S. Smoyer, RN

Date: 9/1/2020

Date: 9/10/2020

RD Russell
Richard D. Russell Manager, Grievance Section Office of Legal Affairs

MAILED SEP 21 2020
Date Mailed

Ref. # 30899

C: Warden TCF
Regional Health Care Administrator
Grievant

Northern

RECEIVED

SEP 25 2020

GRIEVANCE OFFICE

This is in reference to TCF 2006-307-12D
Step #3 response stating I didn't submit Step 3
on time, or before 8-8-20.

This proves I submitted it before 8-8-20, Certified
mail. I don't know how it took 10 days for Certified
mail (8-7-20 / 8-17-20) ~~as~~ as that's out of my control,
But this was received and signed for on 8-17-20,
NOT on 8-21-20, like the Step 3 response says.

PLEASE HELP ME! I STILL haven't been prescribed
antibiotics or treated for this, and I am STILL seeking
medical treatment. I have been seen a dozen
times for this issue, but

Nothing has been prescribed
to treat me.

Nurse Copely told me Sugar goes
farther than Spice and I shouldn't
have written grievances.

I still have painful lumps
in my neck.

SENDER: COMPLETE THIS SECTION <input type="checkbox"/> Complete items 1, 2, and 3a. <input type="checkbox"/> Print your name and address on the reverse so that we can return this card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		COMPLETE THIS SECTION ON DELIVERY A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by <u>Mary Roberts</u> C. Date of Deliv D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No <u>ADD 1720 2020</u>	
2. Article Number (Transfer from service label) 7014 2120 0004 6748 9492 9590 9402 4988 9063 3724 87 DIRECTORS OFFICE P.O. Box 30003 Lansing MI 48909		3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail (over \$500) <input type="checkbox"/> Insured Mail Restricted Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery	
DTMB Delivery Services Agent for State of Michigan			

MICHIGAN DEPARTMENT OF CORRECTIONS
DISBURSEMENT AUTHORIZATION/CATALOG ORDER FORM

CAR-100
4835-1100
10/08

Prisoners write clearly-illegible/incomplete forms will not be processed.

Date: 8-7-20

Prisoner Number: 521313 Prisoner's Last Name: Hicks Institution: T.C.F. Lock Number: CA 89

Pay To: TCF Cost/Amount

Address: _____ \$ _____

Reason/Description: (If to relative, identify relationship) Certified Mail

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Postage \$ _____
Certified Fee _____
Return Receipt Fee (Endorsement Required) _____
Restricted Delivery Fee (Endorsement Required) _____
Total Postage & Fees \$ _____

Postmark
Here

Sent To
Street & Apt. No.,
or PO Box No.
City, State, ZIP+4
PS Form 3800, July 2014 See Reverse for Instructions

G ORDERS ONLY

t	Catalog Number	Color	Size	Qty	Unit Price	Total Price
					\$	\$ <u>65</u>
						<u>3.55</u>
						<u>2.85</u>
						<u>7.05</u>
						<u>50</u>
						<u>10.55</u>
						<u>6.70</u>

Sub-Total \$ _____

Delivery Costs \$ _____

Tax (if applicable) \$ _____

Total Amount Enclosed \$ _____

Prisoner's Signature William J. Hicks Date 8-7-20

R.U.M. or Authorized Agent AB [Signature] Date 8/7/20

Deputy Warden or Authorized Agent _____ Date _____

Warden or Authorized Agent _____ Date _____

Code	Actual Expense	Batch Number

Distribution: White-Business Office; Canary-Vendor; Pink-Property; Goldenrod-Prisoner

Records Disbursement

TCF 2006-307-12D

USPS TRACKING #



9590 9402 4988 9053 3724 87

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box •

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

William D. Hicks Jr. #521313
T.C.F.
3225 John Conley Dr.
Lapeer, MI 48446

0489

MICHIGAN DEPARTMENT OF CORRECTIONS
MISCONDUCT REPORTA 9-17
CSJ-228
10/10 4835-3228

Prisoner Number: 521313	Prisoner Name: Hicks	Facility Code: TCF	Lock: Cord A-089	Violation Date: 9/1/2020												
Time and Place of Violation: 1930 Health Care Lobby		Contraband Removal Record Provided to Prisoner? <input type="checkbox"/> Yes <input type="checkbox"/> N/A														
Misconduct Class: <input checked="" type="checkbox"/> I <input checked="" type="checkbox"/> II <input type="checkbox"/> III		Charge(s): Insolence														
Describe Violation (If contraband involved, describe in detail; identify any other employee witnesses): On 9-1-2020 inmate Hicks 521313 came to 1900 medication line inmate. I asked him if he was here for His Imitrex (for migraines) He stated yes then asked what are you going to do about my sore throat. I stated Your medication for your throat has been completed. You can kite or the MP may have a follow up appointment for you, but I do not have that information in front of me. At this point of the conversation about his sore throat he started to raise his voice and made me feel fearful. He then started talking about You all keep telling me to kite and nothing gets done. I have been having these bumps on my neck for months and you're not doing anything about it. I stated I thought they had checked out the bumps and didn't find anything to treat so maybe there isn't any thing there. At this point he became even louder I called for the officer that was at the lobby desk and he escorted inmate away from medication area. I felt as though these statements were made to harass and intimidate me. As Hicks was in the lobby he asked my name and said he is writing a grievance against me for not giving care and saying he is making this shit up. Inmate was identified by his ID and frequent contact at medication line. <i>This is a Hippa Violation. Public Document.</i> <i>I received this threat for asking to see a doctor too loudly because over 60 med requests didn't work.</i>																
Reporting Staff Member's Name (Print) Donna Sword		Reporting Staff Member's Signature <i>DK</i>		Date and Time Written 9/8/2020 1100												
REVIEW																
Location/Verification/Condition of Evidence:																
Elevated to Class I at review: <input type="checkbox"/> No <input type="checkbox"/> Yes If "yes", explain reason:																
COMPLETE THIS SECTION ONLY FOR REVIEW OF CLASS I MISCONDUCT																
Status Pending Hearing: <input type="checkbox"/> Bond <input type="checkbox"/> Segregation <input type="checkbox"/> Confinement to Cell/Room <input type="checkbox"/> Other																
Reason if Non-Bond: <input type="checkbox"/> Non-Bond List <input type="checkbox"/> Bond Revoked (must give reason)																
Date and Time Given: Status:		Who Notified in Housing Unit of Status:														
Hearing Investigator Requested? <input type="checkbox"/> No <input type="checkbox"/> Yes		Witnesses Requested? <input type="checkbox"/> No <input type="checkbox"/> Yes														
Relevant Documents Requested? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, list:		If yes, list:														
Additional Comments: <i>Copy Given</i>		Prisoner Waives 24-Hour Notice of Hearing? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Hearing Date: <i>9-7-2020</i>														
Reviewing Officer's Name (Print) <i>Sgt M. Christwell</i>		Reviewing Officer's Signature <i>Sgt M. Christwell</i>		Review Date and Time <i>9/8/20 1519</i>												
I have received a copy of this report. My signature does not necessarily mean that I agree with the report. <input type="checkbox"/> Prisoner refused to sign. Copy given to prisoner.		Prisoner's Signature <i>*William D. Hicks</i>		Date <i>9/8/2020</i>												
WAIVER OF CLASS II OR III HEARING																
I understand I have a right to a hearing. I waive my right to a hearing and plead guilty to all charges. I also waive my right to appeal and accept the sanctions imposed.		Prisoner's Signature		Date												
SANCTIONS IMPOSED (Hearing Investigator enters begin and end dates for Class II misconducts)																
<table border="0"> <tr> <td>_____ Days Toplock</td> <td>Begins: _____</td> <td>Ends: _____</td> <td><input type="checkbox"/> Counseling/Reprimand (Class III only)</td> </tr> <tr> <td>_____ Days Loss of Privileges</td> <td>Begins: _____</td> <td>Ends: _____</td> <td><input type="checkbox"/> \$ _____ Restitution (Class II only)</td> </tr> <tr> <td>_____ Hours Extra Duty</td> <td>Begins: _____</td> <td>Ends: _____</td> <td></td> </tr> </table>					_____ Days Toplock	Begins: _____	Ends: _____	<input type="checkbox"/> Counseling/Reprimand (Class III only)	_____ Days Loss of Privileges	Begins: _____	Ends: _____	<input type="checkbox"/> \$ _____ Restitution (Class II only)	_____ Hours Extra Duty	Begins: _____	Ends: _____	
_____ Days Toplock	Begins: _____	Ends: _____	<input type="checkbox"/> Counseling/Reprimand (Class III only)													
_____ Days Loss of Privileges	Begins: _____	Ends: _____	<input type="checkbox"/> \$ _____ Restitution (Class II only)													
_____ Hours Extra Duty	Begins: _____	Ends: _____														
Property Disposition If Applicable: <i>1.6 3.6</i>																
Employee Accepting Plea and Imposing Sanction (Print)		Employee's Signature <i>9/8/20</i>		Date												
Hearing Investigator's Name (Print)		Hearing Investigator's Signature		Date												

MICHIGAN DEPARTMENT OF CORRECTIONS

CLASS II AND III MISCONDUCT HEARING REPORT

CSJ-229
10/10

CA-89

GENERAL INFORMATION

Prisoner Number 521313	Prisoner Name Hicks	Facility Code TCF	Violation Date 09/01/2020
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MISCONDUCT VIOLATION

Hearing Class II <input checked="" type="checkbox"/>	Misconduct Charges Insolence
Hearing Class III <input type="checkbox"/>	
Misconduct Charge if Changed by Hearing Officer	
Plea <input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty	

WAIVER OF HEARING

I understand I have a right to a hearing. I waive my right to a hearing and plead guilty to all charges. I also waive my right to appeal and accept the sanctions imposed.	Prisoner's Signature	Date
--	----------------------	------

HEARING REPORT (Do Not Complete If Hearing Waived)

Evidence and/or prisoner statement in addition to misconduct report: Prisoner Hicks #521313 was interviewed on the date of September 16, 2020. Prisoner Hicks states that he was never insolent towards RN Sword and Officer Beacoats was the assigned officer in Healthcare. Prisoner Hicks also stated that Officer Beacoats was a witness to him never being insolent.

Reasons for findings: Officer Beacoats was interviewed and states that he didn't hear prisoner Hicks being insolent toward RN Sword. Officer Beacoats also stated the he was called by RN Sword to escort prisoner Hicks out of Healthcare. Based on the the statements in the body of the ticket, "he started to raise his voice and madame fell fearful" and "At this point he became even louder I called for the officer that was in the lobbydesk and he escorted inmate away from medication area." Definition of the misconduct Insolence is Words, actions, or other behavior which is intended to harass, degrade, or cause alarm in a employee. I find the statements in this misconduct to fit the criteria. I find prisoner Hicks guilty of the charge of insolence. Findings discussed with the prisoner.

FINDINGS

Charge 1	<input checked="" type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	CMIS Code <u>426</u>
Charge 2	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	CMIS Code _____
Charge 3	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	CMIS Code _____
Charge 4	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	CMIS Code _____

SANCTIONS (Hearing Investigator enters begin and end dates)

Days Toplock	Begins: _____	Ends: _____	<input type="checkbox"/> Counseling/Reprimand (Class III only)
<u>10</u> Days Loss of Privileges	Begins: <u>9/26/20</u>	Ends: <u>10/6/20</u>	<input type="checkbox"/> \$ _____ Restitution (Class II only)
Hours Extra Duty	Begins: _____	Ends: _____	

Property Disposition if Applicable: _____

Misconduct Hearing Report given to Hearing Investigator for Delivery to Prisoner this date: _____

Hearing Officer's Name (Print) A/Lieutenant M. Jenkins	Hearing Officer's Signature <i>AM Jenkins</i>	Hearing Date 09/24/2020
Hearing Investigator's Name (Print) <i>RSB</i>	Hearing Investigator's Signature <i>[Signature]</i>	Date <u>9/25/20</u>

Distribution: Counselor File; Record Office File (Class II); Prisoner

MICHIGAN DEPARTMENT OF CORRECTIONS
CLASS II AND CLASS III MISCONDUCT APPEAL

CSJ-27
 10/11
 4835-327

INSTRUCTIONS

1. This form is to be used SOLELY for appealing Class II and Class III hearing decisions. If a Class II or Class III decision was combined with a Class I hearing decision, a Request for Rehearing (CSJ-418) must be filed.
2. This form must be submitted within 15 calendar days after receipt of the hearing officer's written decision.
3. Class II hearing decisions are appealed to the Deputy Warden.
4. Class III hearing decisions are appealed to the Assistant Deputy Warden (ADW). (NOTE: Prisoners at Woodland Center Correctional Facility (WCC) and the Women's Huron Valley Correctional Facility (WHV) appeal to a Captain designated by the Warden.)
5. State your reason for appeal.
6. Attach a copy of misconduct and hearing report.

A rehearing shall be ordered if any of the following are found to have occurred:

- a. The hearing was not conducted pursuant to Department policies and procedures and the departure from policy and procedure resulted in material prejudice to the prisoner.
- b. The prisoner's due process rights were violated.
- c. The decision of the hearing officer is not supported by the evidence on the record.

Prisoner's Number 521313	Name WILLIAM HICKS, JR.	Block/Unit Number CA-89	Cell/Room Number CA-89	Date of Incident 9/1/2020
Date of Hearing 9/24/2020	Misconduct Class: <input checked="" type="checkbox"/> II <input type="checkbox"/> III Charge(s) INSOLENCE			Sentence 10 DAYS LOP

BRIEFLY DESCRIBE THE BASIS OF YOUR APPEAL: The decision of the hearing officer isn't supported by the evidence in the body of the misconduct, or on the record. I NEVER raised my voice at all, and C/O Becoats was literally 4 feet away from me and that's verified in his statement to the H/O. Secondly, she is a nurse, and I am a patient. How could me asking her about a Serious medical issue (lumps in my throat) be intended to harass or intimidate her? She states in the ticket that that I got "loud". But she does not say what I loudly said! And that is a serious problem for an insolence misconduct. The only things I said to her that day were medical in nature: I keep writing kites and I'm never treated, I have been seen several times, but never successfully treated. I haven't been seen by medical since the month before this incident (9/1/20). I have written well over 50 kites stating I am in pain, requesting help since May. I filed a grievance on medical for this same issue. I feel as if this ticket is retaliation for that grievance. It seems as though this misconduct may have been written solely to intimidate ME from seeking medical care. Furthermore, RN Sword broke a Federal HIPPA Law by listing what medication I'm taking and the reason I'm taking it in the misconduct. She should not have exposed my private medical information on an "Unsecure" document for anyone to see.

(do not write below this line)

APPEAL RESPONSE:

Attended

☒ Disapproved ☐ Approved ☐ Returned without action – not filed within 15 days

Signature of Warden/Deputy Warden (Class II); Signature of ADW/WCC/WHV Captain (Class III)

Date

10/1/2020

DISTRIBUTION: WHITE – Deputy Warden (Class II); ADW/WCC/WHV Captain (Class III); CANARY – Retained by Prisoner

MICHIGAN DEPARTMENT OF CORRECTIONS
CLASS II AND CLASS III MISCONDUCT APPEAL

CSJ-274
 10/10
 4835-3274

INSTRUCTIONS

1. This form is to be used SOLELY for appealing Class II and Class III hearing decisions. If a Class II or Class III decision was combined with a Class I hearing decision, a Request for Rehearing (CSJ-418) must be filed.
2. This form must be submitted within 15 calendar days after receipt of the hearing officer's written decision.
3. Class II hearing decisions are appealed to the Deputy Warden.
4. Class III hearing decisions are appealed to the Assistant Deputy Warden (ADW). (NOTE: Prisoners at Woodland Center Correctional Facility (WCC) and the Women's Huron Valley Correctional Facility (WHV) appeal to a Captain designated by the Warden.)
5. State your reason for appeal.
6. Attach a copy of misconduct and hearing report.

A rehearing shall be ordered if any of the following are found to have occurred:

- a. The hearing was not conducted pursuant to Department policies and procedures and the departure from policy and procedure resulted in material prejudice to the prisoner.
- b. The prisoner's due process rights were violated.
- c. The decision of the hearing officer is not supported by the evidence on the record.

Prisoner's Number 521313	Name Hicks	Block/Unit Number Cord A	Cell/Room Number 89	Date of Incident 9/1/2020
Date of Hearing 9/24/2020	Misconduct Class: <input checked="" type="checkbox"/> II <input type="checkbox"/> III Charge(s) Insolence		Sentence 10 days LOP	

BRIEFLY DESCRIBE THE BASIS OF YOUR APPEAL: The basis of your appeal is
 Prisoner states the decision of the hearing officer is not supported by the evidence on record or witness.

(do not write below this line)

APPEAL RESPONSE: Denied

The evidence on record does support the charge. Writer states prisoner raised his voice and she felt fearful. Insolence is described as words or actions which cause alarm in an employee. Obviously, the writer felt the raised voice was alarming.

I still believe there is a factor

☒ Disapproved ☐ Approved ☐ Returned without action – not filed within 15 days

Signature of Warden; Deputy Warden (Class II); Signature of ADW/WCC/WHV Captain (Class III)

Date

10/1/2020

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM4835-4247 10/94
CSJ-247ADate Received at Step I SEP 30 2020 Grievance Identifier: TCF20199-7051-201

Be brief and concise in describing your grievance issue. If you have any questions concerning the grievance procedure, refer to PD 03.02.130 and OP 03.02.130 available in the prison Law Library.

Name (print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
WILLIAM HICKS, JR.	521313	TCF	CA-89	9/8/2020	9/23/2020

What attempt did you make to resolve this issue prior to writing this grievance? On what date? _____
If none, explain why.

There are no steps I could have taken to resolve this issue. A Federal Law was broken.

State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used.
Four copies of each page and supporting documents must be submitted with this form. The grievance must be submitted to the Grievance Coordinator in accordance with the time limits of OP 03.02.130.

On 9/8/2020 RN Donna Sword wrote me an Insolence Ticket, and in the process she deliberately violated my HIPPA Privacy while doing so.

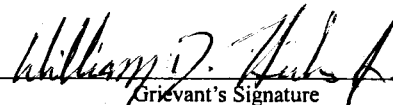
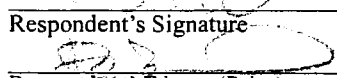
She stated in the body of the misconduct:

Why I was in medical.

What medication I take (by name).

Why I take it.

This information is personal and private, and I feel like she only put the private info in the misconduct to embarrass me. The misconduct is NOT a secure medical document and RN Sword should not be putting my personal medical information out there for just anyone to read and access.


Grievant's SignatureRESPONSE (Grievant Interviewed?) ☐ Yes ☐ No If No, give explanation. If resolved, explain resolution.)Respondent's Signature Date 9/30/20Reviewer's Signature See attached

Date

Respondent's Name (Print)

Working Title

Reviewer's Name (Print)

Working Title

Date Returned to
Grievant: 10/9/20If resolved at Step I, Grievant sign here.
Resolution must be described above.

Grievant's Signature

Date

DISTRIBUTION: White, Green, Canary, Pink — Process to Step One; Goldenrod — Grievant

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE APPEAL FORM

4835-4248 5/09
 CSJ-247B

Date Received by Grievance Coordinator
 at Step II: OCT 09 2020

Grievance Identifier:

TCF 2009-705-28I

INSTRUCTIONS: THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE.

The white copy of the Prisoner/Parolee Grievance Form CSJ-247A (or the goldenrod copy if you have not been provided with a Step I response in a timely manner) **MUST** be attached to the white copy of this form if you appeal it at both Step II and Step III.

If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to: TCF
Grievance Office by 10/19/20 If it is not submitted by this date, it will be considered terminated.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director's Office, P.O. Box 30003, Lansing, Michigan, 48909.

Name (Print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
william hicks, jr.	521313	TCF	CA-89	9-8-20	10-8-20

STEP II — Reason for Appeal I am appealing this grievance because a Federal Law was broken. No matter what staff's response is, it does not change that fact.

My personal and private information was deliberately exposed to embarrass me. There is literally no way to take that back or undo it.

STEP II — Response

Date Received by
 Step II Respondent:

SEE Attached

McLanahan
 Respondent's Name (Print)

[Signature]
 Respondent's Signature

10-9-2020
 Date

Date Returned to
 Grievant:

10/14/20

STEP III — Reason for Appeal My rights were violated, and I STILL haven't
 Seen a doctor!

NOTE: Only a copy of this appeal and the response will be returned to you.

STEP III — Director's Response is attached as a separate sheet.

DISTRIBUTION: White — Process to Step III; Green, Canary, Pink — Process to Step II; Goldenrod — Grievant

4835-4247 10/94
CSI-247AMICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORMReceived at Step 1 _____ Grievance Identifier: 7147201091-171016-2814

Be brief and concise in describing your grievance issue. If you have any questions concerning the grievance procedure, refer to PD 03.02.130 and OP 03.02.130 available in the prison Law Library.

Name (print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
WILLIAM WICKS, JR.	521313	TCF	CA-89	8/8/20	8/23/20

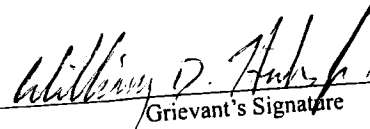
What attempt did you make to resolve this issue prior to writing this grievance? On what date? _____

If none, explain why.

There is absolutely nothing I could have done to resolve this, because all I want is medical treatment.

State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used. Four copies of each page and supporting documents must be submitted with this form. The grievance must be submitted to the Grievance Coordinator in accordance with the time limits of OP 03.02.130.

I am writing this grievance on RM Donna Sward for Intimidation and Retaliation. I have written over 40 letters to medical since March begging for help concerning lumps in my throat. On 8-1-20 I simply asked RM Sward to please help me concerning my neck, and she freaked out on me and accused me of getting "loud", while C/O Sedgwick sat & fast asleep from me and heard nothing. Then 7 days later RM Sward wrote me an Insultance Misconduct on 8-8-20. To do this was clear retaliation for the grievance I've been working on medical. I see, she is using the misconduct process as a way to intimidate me from seeking medical help. This is serious, I believe I could be dying.


 Grievant's Signature

 RESPONSE (Grievant Interviewed?) ☐ Yes ☐ No If No, give explanation. If resolved, explain resolution.)

 Respondent's Signature _____ Date _____
 Respondent's Name (Print) _____ Working Title _____

 Reviewer's Signature _____ Date _____
 Reviewer's Name (Print) _____ Working Title _____

Date Returned to Grievant _____ If resolved at Step 1, Grievant sign here. Resolution must be described above. Grievant's Signature _____ Date _____

MICHIGAN DEPARTMENT OF CORRECTIONS

4835-4248 5/09

CSJ-247B

PRISONER/PAROLEE GRIEVANCE APPEAL FORMDate Received by Grievance Coordinator
at Step II: OCT 03 2020Grievance Identifier: TTCF 2009-706-281**INSTRUCTIONS:** THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE.The white copy of the Prisoner/Parolee-Grievance Form CSJ-247A (or the goldenrod copy if you have not been provided with a Step I response in a timely manner) **MUST** be attached to the white copy of this form if you appeal it at both Step II and Step III.If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to: TLCF
William Hicks by 10/19/20 If it is not submitted by this date, it will be considered terminated.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director's Office, P.O. Box 30003, Lansing, Michigan, 48909.

Name (Print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
WILLIAM HICKS, JR	521313	TLCF	CA-89	9-8-20	10-8-20

STEP II — Reason for Appeal I am appealing this because I have done everything I can do to resolve this issue. The issue is: I AM SEEKING MEDICAL TREATMENT AND NOT GETTING HELP, so I had to write a grievance. Now I am being retaliated against by medical for the grievance. And the misconduct process is being used as a way of intimidating me from seeking medical help. My attempt to resolve the issue was when I was heard on the misconduct by Lt. Jenkins, and I spoke to him about what happened. To this date there still has been no treatment.

STEP II — ResponseDate Received by
Step II Respondent:

Respondent's Name (Print)

Respondent's Signature

Date

Date Returned to
Grievant:10/14/20**STEP III — Reason for Appeal**

Please refer back to the reasons/facts stated in Step I & II.

NOTE: Only a copy of this appeal and the response will be returned to you.**STEP III — Director's Response** is attached as a separate sheet.

DISTRIBUTION: White - Process to Step III; Green, Canary, Pink - Process to Step II; Goldenrod - Grievant

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM

4835-4247 10/94
CSJ-247A

Date Received at Step I _____

Grievance Identifier: _____

Be brief and concise in describing your grievance issue. If you have any questions concerning the grievance procedure, refer to PD 03.02.130 and OP 03.02.130 available in the prison Law Library.

Name (print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
WILLIAM WICKS, JR	621513	CAF	CA-29	10-2-20	10-5-20

What attempt did you make to resolve this issue prior to writing this grievance? On what date? 10-2-20

If none, explain why.

I sent a complaint to Warden Chapman explaining how I was threatened. I waited until 10-8-20 for a response, but I never got one.

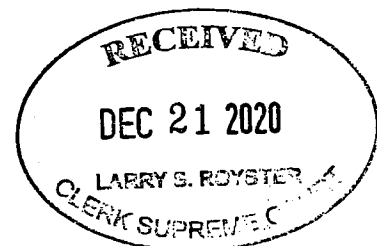
State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used. Four copies of each page and supporting documents must be submitted with this form. The grievance must be submitted to the Grievance Coordinator in accordance with the time limits of OP 03.02.130.

On 10-2-2020, Warden McDonald came to my unit and called me out to tell me personally how he was moving an appeal I filed. McDonald told me that I was getting a bunch of "stuff" started by all the grievances I've been filing. And that I was out there at Seward's nurses' license on the line by violating and violating my HIPAA Privacy. He said staff here are taking this very personal, and that I should drop the grievance or I could find myself "upstairs". He made this threat 3 separate times during our talk. He said, "These are the best medical staff in the state, and if I don't like it they will hire me around and give me 'the trust'". I shouldn't have to be threatened and intimidated again just because I wrote a grievance about my health!

This Administrative Intimidation and Abuse of Power is causing me mental anguish and stress, because I am still currently seeking medical help!

There is 0% accountability here! I DID OVER 10 DAYS
CELL RESTRICTION FOR THIS AND I STILL HAVENT SEEN A DOCTOR!
I CANT EVEN CALL MY FAMILY OR EMAIL ON RESTRICTION!
I AM AFRAID FOR MY LIFE, I DONT KNOW WHY
THEY WONT LET ME SEE A DOCTOR, AND I DONT TRUST THIS ANYMORE!

RESPONSE (Grievant Interviewed?) ☐ Yes ☐ No If No, give explanation. If resolved, explain resolution.)



Respondent's Signature _____

Date _____

Reviewer's Signature _____

Date _____

Respondent's Name (Print) _____

Working Title _____

Reviewer's Name (Print) _____

Working Title _____

Date Returned to
Grievant: _____

If resolved at Step I, Grievant sign here.
Resolution must be described above..

Grievant's Signature _____

Date _____

DISTRIBUTION: White, Green, Canary, Pink — Process to Step One; Goldenrod — Grievant

Step II Grievance Appeal Response

Grievance Number: TCF 20-09-706-28-I

Prisoner Name: Hicks

Prisoner Number: #521313

I have reviewed your Step I Grievance, the Step I Response, and your Step II Reason for Appeal

Summary of Step I Complaint: Grievant stated he was issued a misconduct and he believes it was retaliation. *They are not seeing me because I have written several grievances on medical. And there is no accountability.*

Summary of Step I Response: Grievance was denied as Grievant did not attempt to resolve the issue with the staff member.

Summary of Step II Reason for Appeal:

Grievant states he has done everything he can do to seek medical help and there has been no treatment.

Summary of Step II Investigation: Step I grievance and response were investigated and appropriately denied.

Check the record, I still have not seen a doctor and were on Covid lockdown again.

I feel like im having Continual

Complications due to Covid 19

I lost speech, I am having chest pain that feels like ~~(For a time)~~ heart inflammation. I could have had a Stroke, and all they checked was my Blood Pressure:

PLUS I HAVE other issues with my neck.

Relevant Policies and Procedures: PD 03.02.130 *This Place is Corrupt*

Conclusion: Your grievance is denied.

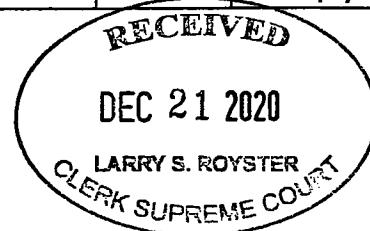
Respondent Name: Mark McDonald

Title: Assistant Deputy Warden

Respondent Signature: *[Signature]*

Date:

10/9/2020



MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORMDate Received at Step I MAY 14 2020Grievance Identifier: TLCF2005-240-280

Be brief and concise in describing your grievance issue. If you have any questions concerning the grievance procedure, refer to PD 03.02.130 and OP 03.02.130 available in the prison Law Library.

Name (print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
William Hicks	521313	T.C.F.	CA-89	5-12-20	5-13-20

What attempt did you make to resolve this issue prior to writing this grievance? On what date? 5-12-20

If none, explain why. On 5-12-20, I spoke with a nurse that came to the unit about why I have not been seen and why I am not getting a response back to my Medical Kites. I have written several medical Kites with no response.

State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used.

Four copies of each page and supporting documents must be submitted with this form. The grievance must be submitted to the Grievance Coordinator in accordance with the time limits of OP 03.02.130. I have had swollen lymph

nodes in my neck that are very painful since January. I have written several Kites about this with no response. I have seen medical about my lymph nodes and been examined 3 times, each time I was prescribed something different. I saw the PA in the unit and told her the medicine isn't working and I am still in pain. She said she doesn't know what's wrong with me and because of the state of emergency, I will not be seen unless it's life threatening or covid related. She also would not tell me her name when asked for a grievance. The memo put out by MDOC says "To be clear, if you are sick, you will still be seen." I can't even get a Kite response, let alone be seen. Furthermore, medical told officers to "watch out for Hicks" stating I was an "asshole." I am being denied treatment, and now officers can harass me because the nurses ask them to! The neck pain is causing more frequent migraines.

RESPONSE (Grievant Interviewed?) ☐ Yes ☐ No If No, give explanation. If resolved, explain resolution.)

Respondent's Signature

Respondent's Name (Print)

Date

Working Title

Reviewer's Signature

Reviewer's Name (Print)

Date

Working Title

Date Returned to

Grievant

If resolved at Step I, Grievant sign here.

Resolution must be described above.

Grievant's Signature

Date

DISTRIBUTION: White, Green, Canary, Pink — Process to Step One: Goldenrod — Grievant

MICHIGAN DEPARTMENT OF CORRECTIONS

"COMMITTED TO PROTECT, DEDICATED TO SUCCESS"

MEMORANDUM

Date: May 14, 2020

To: #521313 Hicks (Lock: CA-89)

From: R. Buhl, Grievance Coordinator
Thumb Correctional Facility (TCF)

Subject: Rejected Step I Grievance #TCF-20-05-239-28-C

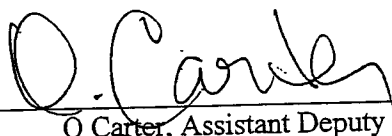
RECEIVED

MAY 20 2020

GRIEVANCE OFFICE

The above referenced Step I grievance is returned to you, rejected for containing multiple issues in accordance with PD 03.02.130 paragraph J number 1. When writing a grievance, information provided is to be limited to the facts involving a particular issue being grieved.

Reviewed By:



O Carter, Assistant Deputy Warden

Date:

5-19-2020

cc: File

Assistant

This is the Deputy Warden rejecting my medical grievance
I still have not been seen, and nobody has responded to
my recent medical requests, This isn't right! People are
literally dying in here. I have swollen lymph nodes and
lung problems, and nobody cares!

MICHIGAN DEPARTMENT OF CORRECTIONS

4835-4248 5/09

PRISONER/PAROLEE GRIEVANCE APPEAL FORM

CSJ-247B

RECEIVEDDate Received by Grievance Coordinator
at Step II: JUN 16 2020

Grievance Identifier:

TCF 20105-239-28C**INSTRUCTIONS:** THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE.The white copy of the Prisoner/Parolee Grievance Form CSJ-247A (or the goldenrod copy if you have not been provided with a Step I response in a timely manner) **MUST** be attached to the white copy of this form if you appeal it at both Step II and Step III.

If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to:

TCFSwall Off. 2 by 10/4/20. If it is not submitted by this date, it will be considered terminated.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director's Office, P.O. Box 30003, Lansing, Michigan, 48909.

Name (Print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
William Hicks	521313	TCF	CA 89 5	5-10-20	5-30-20

STEP II — Reason for Appeal

My Step #1 grievance was rejected for multiple issues in accordance with PD 03.05130, paragraph J, number 1. Paragraph J, #1 states, "It is vague, illegit or contains multiple unrelated issues. My grievance is medical related, and all of the medical problems I am having are related to each other. I am in pain and seeking medical treatment since January. My issue was never resolved at Step #1. In fact, nobody even came to speak to me about it. It's disappointing that I am seeking medical treatment writing letters stating I am in pain, and now writing grievances saying I am in pain, and I STILL HAVE NOT SEEN A DOCTOR! ADW CARTER is aware of this, and has not come to talk to me to help me with my medical at all."

STEP II — ResponseDate Received by
Step II Respondent:**REJECTED
SEE ATTACHED STATEMENT**

Respondent's Name (Print)

Respondent's Signature

Date

Date Returned to
Grievant:**STEP III — Reason for Appeal****NOTE:** Only a copy of this appeal and the response will be returned to you.**STEP III — Director's Response** is attached as a separate sheet.

DISTRIBUTION: White — Process to Step III; Green, Canary, Pink — Process to Step II; Goldenrod — Grievant

The Michigan Department of Corrections is committed to providing the prisoner population with up-to-date information as it relates to our efforts in dealing with the coronavirus disease 2019 (COVID-19).

We know this is a difficult time for you and your families and the staff at the facilities as we are all working together to get through this. The safety of prisoners and the staff are a top priority and that is why the MDOC has taken a series of measures to help stop the spread of the virus.

The department has secured testing kits so the prison population who meet the criteria can be tested quickly.

Consistent with Gov. Gretchen Whitmer's Executive Order 2020-17, the MDOC is postponing all non-urgent and emergent healthcare visits. To be clear, if you are sick, you will still be seen. There are no co-pays for urgent and emergent care as well as for suspected cases of the flu and COVID-19.

I checked the URGENT box every time for lymph node pain, still haven't been seen!
Please continue to seek healthcare as you normally would, but routine medical and dental visits including annual healthcare screenings, will not be seen at this time. Chronic care cases will still be seen. Medical lines will continue to operate, and medication renewals will continue as well. When this issue passes, the MDOC will reschedule all routine healthcare and dental visits as well as annual healthcare screenings.

The department continues to urge you to not gather in unnecessary small or large groups and practice social distancing when possible. We are already putting this into place by running smaller programs and classrooms, as well as in the chow hall and seating prisoners farther apart. Please do your part as well to help stop the spread. Please be patient as things like chow are taking longer than you are used to, and this is being done for the safety of all.

The MDOC will be providing updates as this situation continues. We believe it is important you receive accurate information and share that information with family and others, because misinformation and rumors will only slow the efforts of public health and corrections officials to combat Coronavirus.

As you talk with your family and friends, please encourage them to visit the department's website at [Michigan.gov/corrections](https://michigan.gov/corrections) and click on the "Coronavirus update" banner at the top of the page. There they will find up-to-date information about what the MDOC is doing in response to this issue, as well as a question and answer section that should hopefully address common concerns and questions that have come up.

Hi Bill,

Here are copies of what you sent me. I really hope and pray that you get the medical treatment you need for your neck and throat! I will talk to you soon. I Love You Very Much! MOM ♡.

PRISONER: COMPLETE SECTIONS A THROUGH D

A. NAME: William D. Hicks FACILITY: TCF
 NUMBER: 521313 LOCK: CA 89 DATE: 4-14-20

B. This Health Care Request is for the following (check one or more): ☐ Health Record Copies ☐ Non-urgent
☐ Dental ☐ Medication Refill ☒ Medical ☐ Optometry ☐ Mental Health ☒ Urgent

C. I have the following problems/symptoms: I still have swollen lymph nodes in my neck and it hurts. I have seen medical twice about this problem and nobody knows what it is because nobody bothers to run any tests or even follows up with me for that matter. I NEED to see a real doctor!

William D. Hicks

D. NOTICE TO PRISONER

You will not be denied health care services for lack of personal funds. However, if your account does not have adequate funds, the copayment will be considered an institutional debt and shall be collected as set forth in PD 04.02.105, "Prisoner Funds".

Signing this document formally requests treatment. In addition, it authorizes the DOC to treat or arrange treatment for you and to release any necessary medical information to facilitate that treatment, to review treatment, to respond to a related grievance, or to review any appeal you may make regarding the Department's decision to charge for the care.

I have read Section D above, or it has been read to me and I understand that I will be charged \$5.00 for my health care visit and for most of the reasons listed below in Section E. I am choosing not to pay. I agree that the visit may be taken from my account.

Prisoner Signature:

Date:

PRISONER: DO NOT WRITE BELOW THIS LINE

E. INSTRUCTIONS TO PRISONER

An appointment has been scheduled for you on:

Date:

Signature:

Title:

Provider #:

Date:

F. COPAYMENT (to be filled out by health care)

Note: If none of the exceptions listed below apply, check the box below and a copay will be charged.

- Care that is:
- ♦ requested by a QHP (includes transfer assessments, chronic care clinics, intake and annual screening, and required follow-up care)
 - ♦ for injuries that are work-related as documented by the prisoner's work supervisor
 - ♦ requested for testing for HIV, STD's, infestations, or reportable communicable diseases
 - ♦ requested for evaluation, consultation, or treatment of a mental health need
 - ♦ prompted by a medical emergency (see Section I of the policy, if self-inflicted)

☐ I have reviewed the visit of _____ and certify none of these exceptions apply.

Date:

Signature:

Title:

Provider #:

Date:

Distribution: White - Health Services, Canary - Prisoner, Pink - Business Office

Michigan Department of Corrections

Kite Response

Offender #: 0521313 Offender Name: Hicks, William David Jr.

Location: TCF - THUMB CORRECTIONAL FACILITY

Lock: CA:089:Top:A

Discipline: Medical

Received Date: 04/30/2020

Initiated Date: 04/30/2020

Taken By: Sword, Donna [DS13] RN

Request Type: Medical Question

Request Summary: And I still have very painful knots in my neck.

Plan/Action: Continue to take the medication you have prescribed by MP when you were seen on 4-16-2020. Limit movement of neck to decrease irritation and apply warm compresses for comfort.

Comments: Due to the State of Emergency in Michigan, health care is only seeing urgent and emergent appointments. Once the State of Emergency lifts, you can re-kite health care. If your symptoms become worse or you feel that your situation has become urgent/emergent, please contact health care immediately.

This is the only response I have recieved from medical
 weather I check urgent and say I am in pain, or not,
 I have not been seen at all during Covid 19!

We are under Covid lockdown still, and now on
 outbreak status again,
 and I am still suffering from this same issue.

MICHIGAN DEPARTMENT OF CORRECTIONS Bureau of Health Care

HEALTH CARE REQUEST

PRISONER: COMPLETE SECTIONS A THROUGH D

FACILITY: T.C.F.

A NAME: William Hicks LOCK: CA 89 DATE: 5-19-20

NUMBER: 521313

B This Health Care Request is for the following (check one or more): ☐ Health Record Copies ☐ Non-urgent
☐ Dental ☐ Medication Refill ☒ Medical ☐ Optometry ☐ Mental Health ☒ Urgent

C I have the following problems/symptoms: I need to see a doctor about the swollen, painful lumps in my neck A.S.A.P. I am in pain and I have written several letters with no response. I can't take it anymore! I have been writing 2 letters a week for a month now with NO RESPONSE!

D NOTICE TO PRISONER

You will not be denied health care services for lack of personal funds. However, if your account does not have adequate funds, the copayment will be considered an institutional debt and shall be collected as set forth in PD 04-02-105, "Prisoner Funds".

Signing this document formally requests treatment. In addition, it authorizes the DOC to treat or arrange treatment for you and to release any necessary medical information to facilitate that treatment, to review treatment, to respond to a related grievance, or to review any appeal you may make regarding the Department's decision to charge for the care.

Prisoner Signature: [Signature]

Date: 5-19-20

PRISONER: DO NOT WRITE BELOW THIS LINE

E INSTRUCTIONS TO PRISONER

No appointment has been scheduled for you on _____ Date: _____

Signature: _____ Title: _____ Provider #: _____ Date: _____

F COPAYMENT (to be filled out by health care)

Note: If none of the exceptions listed below apply, check the box below and a copay will be charged.

- Care that is:
- requested by a QHP (includes transfer assessments, chronic care clinics, intake and annual screening, and required follow-up care)
 - for injuries that are work-related as documented by the prisoner's work supervisor
 - requested for testing for HIV, STD's, infestations, or reportable communicable diseases
 - requested for evaluation, consultation, or treatment of a mental health need
 - prompted by a medical emergency (see Section I of the policy, if self-inflicted)

☐ I have reviewed the visit of _____ and certify none of these exceptions apply.

Signature: _____

Title: _____

Provider #: _____

Date: _____

Distribution: White - Health Services, Canary - Prisoner, Pink - Business Office

To Whom it May Concern,

10/14/20

I have been denied healthcare since March, and due to Covid-19 and the several extensions of the State of Emergency, I have been continually denied treatment.

I have been placed on lockdown in a small unit where several men have died from Covid-19, and the air exhaust shuts off when outside temps fall below 60°F, which was all the time from March til the end of May. There is no exhaust or intake now, either. And we are still on lockdown, inside. On July 4th we were under a heat advisory and the heat was turned on in the unit (Cord A) all day on July 4th, until approx 330 PM on July 5th. There is NO ACCOUNTABILITY for any of the staff here.

Since I wrote my 1st grievance on medical in May, this has become personal to many healthcare and custody staff. Healthcare has violated my HIPPA privacy, and wrote me a misconduct ticket to intimidate me from seeking help and to retaliate against me for the grievance.

Enclosed is a copy of the misconduct I got for seeking medical treatment, the hearing investigation where the officer in medical at the time stated I was not loud or insolent when seeking medical attention, and a copy of the hearing report where I was found guilty anyway. Also a copy of my appeal on the misconduct, which was denied. I also enclosed a copy of a grievance on ADW McDonald, but I never filed it because I am afraid his threats will come true and the MDOC will make my life really hard. I just don't know what to do.

This is Corruption, and I want to expose it.

My Medical grievance is also enclosed and it shows I have been in the grievance process since May. I can prove a deliberate indifference to my healthcare needs with the continuance of not being treated or perscribed any medication to treat the symptoms I have been having for over 6 months now, because of the grievance.

Furthermore, My medical grievance was denied at step 3 for being "late" when I have proof that I paid to send it via Certified Mail on 8-7-20, the day before the deadline to submit it. And it was denied without anyone ever seeing me or asking if I am better. The fact is that I have written over 50 Medical Kites for the same symptoms, without treatment, and I am still trying to find out what's wrong with me! I am being told that I am not "urgent" or "Emergent" and due to Covid-19 they aren't seeing routine appointments at this time. despite the fact I continue to write medical requests stating all of the glands are swolle in my neck, my tonsils hurt and it hurts to swallow, and this pain has been so bad that it keeps me awake at night.

Since I continue to have the same symptoms and i'm not getting better without medication, I walked to the medication line to speak to a nurse. That's when I recieved the misconduct. I have even told Medical Staff that I don't feel safe here, and I am considering "locking up" just to go somewhere for medical. They laughed at me and told me that I would just sit in the hole

because they're not doing any transfers due to Covid. Because there's no accountability for any staff, I have nowhere to turn. I'm hoping someone could possibly help me expose this corruption, and help me find an attorney to help me. I can't find any attorneys that are willing to go against the state. I don't even know how to turn them in for violating my HIPPA privacy.

Also, I am including some personal information about my case and a letter I got from my arresting office. I am willing to do a story on this, and possibly shine some light on the good police out there with a good story.

I am non-violent and I am in prison for a \$60.00 crime. And this isn't "regular prison." This has been really extreme due to Covid-19. No classes, activities or religious services. And no visits! This really hurts and I would appreciate any help I can get trying to shed some light on what's going on in here. And to simply give Brady Heckman some positive credit for saving my life.

Thank You!

William D Hicks Jr

521313

T.C.F.

3225 John Conley dr.

Lapeer, MI 48446

4835-4248 5/09
CSJ-247BMICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE APPEAL FORMGrievance Identifier: TCF2009-706-284Received by Grievance Coordinator
ep II: 10/19/20

INSTRUCTIONS: THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE. The white copy of the Prisoner/Parolee Grievance Form CSJ-247A (or the goldenrod copy if you have not been provided a Step I response in a timely manner) **MUST** be attached to the white copy of this form if you appeal it at both Step II and Step III.

If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to: TCF Office of Legal Affairs. If it is not submitted by this date, it will be considered terminated.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director's Office, P.O. Box 30003, Lansing, Michigan, 48909.

Name (Print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
WILLIAM HICKS, JR.	521313	TCF	CA-89	9-8-20	10-8-20

STEP II — Reason for Appeal I am appealing this because I have done everything I can do to resolve the issue. The issue is: I AM SEEKING MEDICAL TREATMENT AND NOT GETTING HELP, so I had to write grievance. Now I am being retaliated against by medical for the grievance. And the misconduct is being used as a way of intimidating me from seeking medical help. My attempt to solve the issue was when I was heard on the misconduct by Lt. Jenkins, and I spoke to him about what happened. To this date there still has been no treatment.

STEP II — ResponseDate Received by
Step II Respondent:See AttachedMcBarr
Respondent's Name (Print)McBarr
Respondent's Signature10-9-2020
DateDate Returned to
Grievant:10/14/20**STEP III — Reason for Appeal**

Please refer back to the reasons/facts stated in Step I & II.

NOTE: Only a copy of this appeal and the response will be returned to you.

STEP III — Director's Response is attached as a separate sheet.

DISTRIBUTION: White — Process to Step III; Green, Canary, Pink — Process to Step II; Goldenrod — Grievant

4835-4248 5/09
CSJ-247BMICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE APPEAL FORMGrievance Identifier: **TCF 2009-1069-28A**Date Received by Grievance Coordinator
Step II: **10/14/20**

INSTRUCTIONS: THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE. The white copy of the Prisoner/Parolee Grievance Form CSJ-247A (or the goldenrod copy if you have not been provided with a Step I response in a timely manner) **MUST** be attached to the white copy of this form if you appeal it at both Step II and Step III.

If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to: **Legal Affairs**. If it is not submitted by this date, it will be considered terminated.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director's Office, P.O. Box 30003, Lansing, Michigan, 48909.

Name (Print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
WILLIAM HICKS, JR.	521313	tcf	CA-89	9-1-20	10-8-20

STEP II — Reason for Appeal

The grievance form instructs me to use a separate grievance form for each issue. **THIS GRIEVANCE IS A SEPARATE ISSUE.** The grievance coordinator IS MIXED UP! The two issues here are confusing happened on DIFFERENT DATES, and times than grievance TCF 2009-668-17A.

STEP II — ResponseDate Received by
Step II Respondent:*See Attached*Respondent's Name (Print)
McLainRespondent's Signature
*[Signature]*Date
10-9-2020Date Returned to
Grievant:
10/14/20**STEP III — Reason for Appeal**

Please refer back to the reasons/Issues stated in Step I & II.

NOTE: Only a copy of this appeal and the response will be returned to you.

STEP III — Director's Response is attached as a separate sheet.

DISTRIBUTION: White — Process to Step III; Green, Canary, Pink — Process to Step II; Goldenrod — Grievant

WILLIAM HICKS 521313 TCF Lock:CA089TOPA ID:1019454158 [P 1/2]

You have received a *jp*ay letter, the fastest way to get mail

From : WILLIAM HICKS, ID: 521313
To : Humanity For Prisoners, CustomerID: 13305156
Date : 12/17/2020 3:19:20 PM EST, Letter ID: 1019454158
Location : TCF
Housing : CA089TOPA

Matt,

Medical and mental health (Emergency).

Back in March, I had a really bad headache and was dizzy. I came out of my cell to use the phone and I lost all of my speech and ability to talk. I walked straight up to medical, where I could speak. Everything was coming out as jibberish. They checked my blood pressure and sent me back to my unit.

Since then I have had what seems to be Kawasaki syndrome, or multi system inflammatory syndrome. All of the glands in the back of my neck, under and behind my jaw, and in the front of my neck near my collarbones have all been swollen and painful in a rotating manner (SINCE MARCH!). I have been thinking an infection, or multiple infections occurring and untreated. I wrote over 60 medical requests about this, and I was seen several times but never prescribed anything to cure or address symptoms. I have had to put in several grievances because of this, and I am being denied help and I have even been given sanction days for seeking medical help, by medical. And I believe it was in retaliation to the grievances.

I have been trying to see a doctor since July, and have been denied that right. No doctor has seen me, and nursing hasn't prescribed me anything or tried to diagnose me.

I have had an excessive amount of headaches leading to migraines. And I have maxed out on monthly migraine medication more than once (9 a month).

I have been to medical 3 times with chest pain, and they took my blood pressure and said it was hypertension, and that my pulse was high (I have had tachicardia in the past). They told me I probably have anxiety. I continue to have chest pains, and I'm afraid it could be my heart. It could also be my lungs because it hurts in my back behind my heart and near my shoulder blades, too.

I have a sore throat and it seems like it aches all the way through from the back left of my throat, to the left side of my neck. This is not going away. I've had this for 8 months. This even limits my neck movement when I turn my head to the left.

If the back of your neck, where your spine is... if that's 12 o'clock... Than at 10 o'clock I have a nodule or a hard knot that hurts and throbs straight through to my throat. This knot also seems to be pressing on the nerve bundle on the side of my neck, and it has gotten larger over the last 8 months.

My lower back has been hurting so bad in the middle of the night that I have to get up and piss to make it stop. I think its my kidneys. *PISSING OUT A CRAZY AMOUNT OF Bubbles that wont flush.*

I have been toughing this shit out far too long, and because of Covid-19 I have been denied treatment. I realize this is a lot of shit but it has all built up and gotten progressively worse.

I feel as I am being exposed to Covid-19 over and over and over. I know for sure I've already had it twice. Now were on outbreak status again, so I'll probably have it again.

People are dying in here from covid.

Another guy in here was sick like this and they kept telling him he had the flu. Now he has stage 4cancer and weighs 90lbs in a wheelchair....

Medical is not professional here, and I am afraid for my life. *No Accountability,*

I have been trying to get a lawyer just so I can go to the hospital for this, and I can't find one.

This is inhumane treatment and cruel and unusual punishment.

***jp*ay Tell your friends and family to visit www.jp.com to write letters and send money!**

WILLIAM HICKS 521313 TCF Lock:CA089TOPA ID:1019454158 [P 2/2]

You have received a *jp*ay letter, the fastest way to get mail

From : WILLIAM HICKS, ID: 521313
To : Humanity For Prisoners, CustomerID: 13305156
Date : 12/17/2020 3:19:20 PM EST, Letter ID: 1019454158
Location : TCF
Housing : CA089TOPA

I also had proof of retaliation by medical and abuse of power by locking me down so I can't use the phone or ^{Email} pay when I am seeking medical attention, and for not giving me any help. I NEED TESTING, and they can't help me here.

Plus my anxiety is High because of all of this. There is no mental health treatment, and we are being extremely isolated due to Covid-19, where I am being constantly exposed.

I need your help Matt!

I will donate \$100 to humanityforprisoners if you can help me out.

I'm also the only prisoner in the state of Michigan whose arresting officer is publicly petitioning for my release. Remember??

I need help bro!

let me know!

Steve,

You can add me @ *jp*ay.com and we can Email, if you want. Its \$5.00 for 20 emails.

***jp*ay Tell your friends and family to visit www.jp.com to write letters and send money!**

WILLIAM HICKS 521313 TCF Lock:CA089TOPA ID:932168538 [P 1/1]

You have received a **JPAY** letter, the fastest way to get mail

From : WILLIAM HICKS, ID: 521313
To : Susan Geysbeek, CustomerID: 23696130
Date : 9/9/2020 5:42:09 PM EST, Letter ID: 932168538
Location : TCF
Housing : CA089TOPA

I am at TCF in Lapeer

I have had swollen glands in my neck since January. I have a sore throat that hurts so bad that it keeps me awake at night, and painful knots in my neck that ache all the way through to my throat. Medical is NOT TREATING me, and has improperly treated me several times since January for this issue.

I am not getting better, I am getting worse, and like I said the pain is keeping me awake at night.

I wrote a grievance about this in ~~June~~ ^{MAY} because I was not being treated and medical was blaming that on Covid 19 saying this isnt urgent or emergent. They are only accepting urgent and emergent patients at this time. This is "ROUTINE", I may rekit health care when the state of emergency is lifted.

My greivance is on step 3 and has been sent to Lansing, and I have still not been treated.

Since I wrote the grievance, this issue has become personal to many of the medical staff here and I have been ignored and mistreated.

I write medical kites and I get the response I just mentioned. I have written over 40 kites for this same issue, and I have all of them.

I tell them in my kites that my symptoms are worsening, and I am not getting better, and they still wont see me or help me.

Since my paper medical request forms arent getting me treatment, whenever I see medical staff I ask them orally when I can see a doctor, and I tell them that I have a really sore throat and that I still have swollen glands.

And they are now writing me MAJOR MISCONDUCT TICKETS TRYING TO GET ME INTO TROUBLE when I ask them for help and I inform them of my symptoms.

This is deliberately indifferent to my health care needs.

I told a nurse, DONNA SWORD that my throat is throbbing and my glands all hurt and are swollen and I was told I was already seen for that. I agreed that I have been seen for that, and said I wasnt treated properly because I am not getting better, and the pain is actually getting worse.

The nurse told me she can refer me to the psyc department, and said they arent seeing me for that anymore. My throat hurts really bad and I have swollen glands that hurt really bad and I am being written up for major tickets so ill remain locked in my cell and unable to complain to anyone, with no phone or email access.

I NEED HELP!

Please do what you can

LOVE

JR.

WILLIAM HICKS 521313 TCF Lock:CA089TOPA ID:1064267923 [P 1/2]

You have received a **JPAY** letter, the fastest way to get mail

From : WILLIAM HICKS, ID: 521313
 To : Kevin Heemstra, CustomerID: 24012101
 Date : 2/3/2021 7:39:58 PM EST, Letter ID: 1064267923
 Location : TCF
 Housing : CA089TOPA

Steve, Here is a little information that might help. I will also be making you another one tomorrow. PLEASE HELP ME IF YOU CAN SIR!

I am the only Michigan prisoner whose arresting officer has been publicly petitioning for my release to a good program, since before covid-19. My arresting officer and my lawyer helped me get clean and I completed nearly 8 months of inpatient rehabilitation while out on bond, where I was put on medication for depression and anxiety and was doing very well.

On day 1 of prison I was taken off psyc meds and now due to covid I have been isolated and on quarantine since March with no visits, classes, church, weights or gym... ect.

They won't give me any medication to help deal with the isolation and the severe anxiety and depression the isolation is causing. I am having serious panic attacks on a daily basis. Prescription psyc meds or help isn't accessible to me. However real drugs are available. And the crazy part is that an officer helped me get clean, and then I went to prison. Now that I'm here, its officers who make drugs available in our isolation, where many prisoners self medicate and are essentially extorted of their money. Things are so miserable right now.

Suboxone is a prescription I was given in rehab to help me get clean and many take it long term. It is used as treatment out there. But if I used suboxone in prison its considered substance abuse.

This is ass backwards, and this shit is illegal in so many ways. They won't give me the medication I need, but they will sell me other shit at the highest prices! I'm pretty sure this shit would make the news! Along with many other corrupt things I can prove.

There is no ventilation or air exchange in the unit I'm locked in either. Hope you see the grievance I wrote on it. Suing the MDOC we are required to do a grievance first.

Since March prison has been on lockdown and extreme isolation, and is extremely difficult for me as an addict.

I had a severe closed head injury just prior to this crime, and was placed in a coma.. Shortly after I was let out of a 2 week coma I wasn't in my right frame of mind and I shouldn't have been driving. I totalled my truck, where I was knocked unconscious again, and I had another concussion. There is an incident report for this in Wyoming.

Following that, I committed this crime.... and its can be seen in the report that I still wasn't in my right frame of mind and incompetent. Plus I was severely intoxicated which isn't an excuse or a valid defense anymore, however I think its relevant.

I had a job making \$34.50/hr as maintenance engineer. I was charged with an armed robbery for \$60. Plus I had money in the bank. My tax records will reflect my work history since the last time I had been in trouble, in 2012.

Its clear in the report that I was out of my mind, and not competent for several reasons. Mainly because I specifically asked for \$50 or \$60 and didn't take all the money. I did not intend to do armed robbery and I wasn't armed. I was hammered and thought I could do whatever I wanted because I had a good job and I had money put up.

And because after receiving the \$, I remained at the counter to talk to the clerk about when I could repay him. Armed Robbers Don't Do That.

We then SHOOK HANDS, which is on video but not in the report, before I WALKED away, not ran away. ARMED ROBBERS DONT DO THAT!

In hindsight I feel like I went out to break the law and get help because I couldn't go on anymore with my addiction. I had a closed head injury and my whole life unraveled after my closed head injury, as you'll read in my story.

I was not armed, and nobody was even assaulted in this crime. This was completely out of character for me and I was incoherent.

I was also incompetent and reliant on my lawyer at court. I was promised help through treatment because the true problem was my drug addiction.

I was told that if I plead guilty I would be sentenced to inpatient substance abuse treatment, as long as I remained in treatment and successful while out on bond.

I pled guilty, and I remained in treatment after the coma working and waiting for court.

JPAY Tell your friends and family to visit www.jpay.com to write letters and send money!

to be happy is for you, leave to a mental institution or rehab. Things are so bad in here since Covid. Whinnies Executive orders have been unconstitutional, in several ways I can prove

WILLIAM HICKS 521313 TCF Lock:CA089TOPA ID:1064267923 [P 2/2]

You have received a *jp*ay letter, the fastest way to get mail

From : WILLIAM HICKS, ID: 521313
To : Kevin Heemstra, CustomerID: 24012101
Date : 2/3/2021 7:39:58 PM EST, Letter ID: 1064267923
Location : TCF
Housing : CA089TOPA

Instead of acknowledging my recovery and diverting me from Prison like he said,
I was told before sentencing that I was going to prison. I informed the judge that my lawyer lied to me, and I attempted to withdraw my plea.
He denied my plea withdraw, and sentenced me to prison in June 2019.

Since I have been to prison, several of my constitutional rights have been violated, and my federal hipa privacy has been violated. Even as a prisoner, I have certain rights.
I have also been continually denied medical treatment due to Covid-19, and I really need to see a doctor!
We have been on a Covid Lockdown since March, with no classes or visits.
No weights or gym, and several prisoners have died, a lonely miserable death. I know I already had Covid-19, and I am still having problems. *Twice*

I CAN PROVE

"deliberate indifference to my health care needs"
"inhumane treatment and living conditions for prisoners"
"NO VENTILATION"(air exchange rate) — *CLASS ACTION IF YOU WANT TO DO IT!*
"malpractice"
"Abuse of power" — *Ticket/Sanction days for asking to see a Doc!*
"a clear hipa violation" " "
"Administrative Intimidation" — *ADW McDonald.*
and more..
I have proof of each one of these things.

My grandfather passed in Oct 2019 and I was unable to attend the service, and I have not seen my family in over 18 months.

And all fines and court costs have been paid.

Some people even want to do a documentary on me and below are some ideas of people I would like to get involved to help fund me to a good program, and also to support officer Heckman by signing a football for criminal justice reform or something.

Do you have any ideas?

Michael Thomas- NFL Player for criminal justice reform.

Darren Waller- NFL Player for criminal justice reform.

Send him Brady's letter, with a short note. Ask for him to stand behind my case for criminal justice reform. Might be @MichaelThomas.

And NFL.com/inspirechange for criminal justice reform.

Detroit red wings pistons

autographs/ signatures.

~~maybe you could also reach out to the governors office to inquire about my commutation application~~

THIS WAS DENIED RECENTLY!

***jp*ay Tell your friends and family to visit www.jp.com to write letters and send money!**

4835-7549

CHJ-549 11/05

MICHIGAN DEPARTMENT OF CORRECTIONS-Bureau of Health Care

HEALTH CARE REQUEST**PRISONER: COMPLETE SECTIONS A THROUGH D****A NAME:** William Hicks **FACILITY:** TCF**NUMBER:** 521313**LOCK:** CA 89**DATE:** 9-1-20**B. This Health Care Request is for the following (check one or more):** ☐ Health Record Copies☐ Non-urgent☐ Dental☐ Medication Refill☒ Medical☐ Optometry☐ Mental Health☒ Urgent**C. I have the following problems/symptoms:**

Can you please do bloodwork/LABS again to look for infection? or test for something else that could cause my glands to swell and give me a sore throat? Something is wrong with me.

D NOTICE TO PRISONER

You will not be denied health care services for lack of personal funds. However, if your account does not have adequate funds, the copayment will be considered an institutional debt and shall be collected as set forth in PD 04.02.105, "Prisoner Funds".

Signing this document formally requests treatment. In addition, it authorizes the DOC to treat or arrange treatment for you and to release any necessary medical information to facilitate that treatment, to review treatment, to respond to a related grievance, or to review any appeal you may make regarding the Department's decision to charge for the care.

I have read Section D above, or it has been read to me and I understand that I will be charged \$5.00 for my health care visit unless it is for one of the reasons listed below in Section F. If I am charged for this visit, I agree that the \$5.00 may be taken from my account.

Prisoner Signature:

Date: 9/1/2020

PRISONER: DO NOT WRITE BELOW THIS LINE**E INSTRUCTIONS TO PRISONER**

An appointment has been scheduled for you on:

Date:

Signature:

Title:

Provider #:

Date:

F. COPAYMENT (to be filled out by health care):

Note: If none of the exceptions listed below apply, check the box below and a copay will be charged.

- Care that is:
- ♦ requested by a QHP (includes transfer assessments, chronic care clinics, intake and annual screening, and required follow-up care)
 - ♦ for injuries that are work-related as documented by the prisoner's work supervisor
 - ♦ requested for testing for HIV, STD's, infestations, or reportable communicable diseases
 - ♦ requested for evaluation, consultation, or treatment of a mental health need
 - ♦ prompted by a medical emergency (see Section I of the policy, if self-inflicted)

☐

I have reviewed the visit of _____ and certify none of these exceptions apply.

Date

Signature:

Title:

Provider #:

Date:

Distribution: White - Health Services, Canary - Prisoner, Pink - Business Office

Michigan Department of Corrections
Kite Response

Offender #: 0521313 **Offender Name:** Hicks, William David Jr.

Location: TCF - THUMB CORRECTIONAL FACILITY

Lock: CA:089:Top:A

Discipline: Medical

Received Date: 09/02/2020

Initiated Date: 09/01/2020

Taken By: Johnson, Allison [AJ8] RN

Request Type: Medical Question

Request Summary: "Can you please do bloodwork/ LABS again to look for infection? Or test for something else that could cause my glands to swell and give me a sore throat? Something is wrong with me."

Plan/Action: You have an upcoming appointment with the medical provider and can discuss this at that appointment.

Comments: Due to the State of Emergency in Michigan, health care is only seeing urgent and emergent appointments. Once the State of Emergency lifts, you can re-kite health care. If your symptoms become worse or you feel that your situation has become urgent/emergent, please contact health care immediately.

4835-7549

CHJ-549 11/05

MICHIGAN DEPARTMENT OF CORRECTIONS-Bureau of Health Care

HEALTH CARE REQUEST**PRISONER: COMPLETE SECTIONS A THROUGH D****A NAME:** William Hicks **FACILITY:** T.C.F.**NUMBER:** 521313 **LOCK:** CA 89 **DATE:** 5-19-20**B. This Health Care Request is for the following (check one or more):** ☐ Health Record Copies ☐ Non-urgent
☐ Dental ☐ Medication Refill ☒ Medical ☐ Optometry ☐ Mental Health ☒ Urgent**C. I have the following problems/symptoms:** I need to see a doctor about the swollen, painful lumps in my neck A.S.A.P. I am in pain and I have written several Kites with no response. I can't take it anymore! I have been writing 2 Kites a week for a month now with NO RESPONSE!**D NOTICE TO PRISONER**

You will not be denied health care services for lack of personal funds. However, if your account does not have adequate funds, the copayment will be considered an institutional debt and shall be collected as set forth in PD-04.02.105, "Prisoner Funds".

Signing this document formally requests treatment. In addition, it authorizes the DOC to treat or arrange treatment for you and to release any necessary medical information to facilitate that treatment, to review treatment, to respond to a related grievance, or to review any appeal you may make regarding the Department's decision to charge for the care.

I have read Section D above, or it has been read to me and I understand that I will be charged \$5.00 for my health care visit unless it is for one of the reasons listed below in Section F. If I am charged for this visit, I agree that the \$5.00 may be taken from my account.

Prisoner Signature: *William Hicks*

Date: 5-19-20

PRISONER: DO NOT WRITE BELOW THIS LINE**E INSTRUCTIONS TO PRISONER**An appointment has been scheduled for you on: _____ Date: _____
Signature: _____ Title: _____ Provider #: _____ Date: _____**F COPAYMENT** (to be filled out by health care):

Note: If none of the exceptions listed below apply, check the box below and a copay will be charged.

- Care that is:
- ☐
- requested by a QHP (includes transfer assessments, chronic care clinics, intake and annual screening, and required follow-up care)
-
- ☐
- for injuries that are work-related as documented by the prisoner's work supervisor
-
- ☐
- requested for testing for HIV, STD's, infestations, or reportable communicable diseases
-
- ☐
- requested for evaluation, consultation, or treatment of a mental health need
-
- ☐
- prompted by a medical emergency (see Section I of the policy, if self-inflicted)

Signature: _____ I have reviewed the visit of _____ and certify none of these exceptions apply.
Date: _____

Distribution: _____ Title: _____ Provider #: _____ Date: _____

Whr. Health Services, Canary - Prisoner, Pink - Business Office

Michigan Department of Corrections
Kite Response

Offender #: 0521313	Offender Name: Hicks, William David Jr.
Location: TCF - THUMB CORRECTIONAL FACILITY	Lock: CA:089:Top:A

Discipline:	Mental Health
Received Date:	05/18/2020
Initiated Date:	05/14/2020
Taken By:	Buhl, Carli [CB13]
Request Type:	Mental Health Question
Request Summary:	"I need to speak with someone from mental health please."
Plan/Action:	You will be scheduled when appropriate.
Comments:	

I still have not seen mental health and I was told it's not "essential" due to Covid 19,

I will be scheduled when appropriate.